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2                   FOR THE NORTHERN DISTRICT OF OKLAHOMA  
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1	INDEX	
2	WITNESSES ON BEHALF OF THE UNITED STATES	PAGE
3	RYAN LOGSDON	
4	Direct Examination by Mr. Harris	1132
	Cross-Examination by Mr. Wyatt	1182
5	Cross-Examination by Mr. Allen	1277
	Redirect Examination by Mr. Harris	1288
6	Recross-Examination by Mr. Wyatt	1305
7	KELIE BARNES	
8	Direct Examination by Ms. Harris	1308
	Cross-Examination by Mr. Wyatt	1322
9	Cross-Examination by Mr. Allen	1327
10	ASHLEY BALOCCA	
11	Direct Examination by Ms. Harris	1329
	Cross-Examination by Mr. Wyatt	1335
12	JAMES FUE	
13	Direct Examination by Ms. Duke	1336
14	Cross-Examination by Mr. Wyatt	1349
	Redirect Examination by Ms. Duke	1362
15	JAN REINCKE	
16	Direct Examination by Ms. Harris	1364
17	Cross-Examination by Mr. Wyatt	1396
	Cross-Examination by Mr. Allen	1410
18	Redirect Examination by Ms. Harris	1416
19		
20		
21		
22		
23		
24		
25		

1 PROCEEDINGS

2 AUGUST 8, 2011:

3 (The following proceedings were had outside the presence of  
4 the jury.)

5 THE COURT: As I recall, on Friday when we left off,  
6 we'd just finished reading some trial testimony. The  
7 defendants indicated they may wish to have additional testimony  
8 read from that transcript.

9 MR. WYATT: Yes, Your Honor, and because Mr. Raley  
10 could not be present, we've agreed that Mr. Graham will sit in  
11 in his place and do the reading on the other side.

12 MR. GRAHAM: I drew the short straw.

13 THE COURT: Are we ready for the jury?

14 MR. WYATT: Yes, Your Honor.

15 (The following proceedings were had within the presence and  
16 hearing of the jury.)

17 THE COURT: When we left on Friday, I believe we were  
18 reading testimony from the Haley trial, and the defense wishes  
19 to add some additional testimony.

20 Welcome back, ladies and gentlemen, to week two.

21 Mr. Graham, I guess, will be Mr. Haley, since he's no  
22 longer available.

23 MR. WYATT: Your Honor, I believe this was testimony  
24 from the Barnes trial.

25 THE COURT: The Barnes trial, excuse me. I'm sorry.

1 MR. WYATT: And for the jury's sake, Mr. Graham is  
2 filling in today because Mr. Raley could not be here this  
3 morning, so he'll be reading the transcript.

4 You agree with that, she doesn't need to transcribe it?

5 MR. HARRIS: That's correct.

6 MR. WYATT: For purposes of the record, we will be  
7 reading from the transcript of jury trial proceedings United  
8 States of America v. Larry Wayne Barnes, Sr. and Larita Annette  
9 Barnes, Case No. 07-CR-135-CVE, which was taken during the week  
10 of April 21, 2008.

11 There were a few pages skipped in Mr. Henderson's  
12 testimony, so we're going to start very briefly at page 39,  
13 line 15. Mr. Graham, if you would read the questions, I'll be  
14 glad to read the answers as Mr. Henderson. You will be the  
15 prosecutor, Mr. Raley, for purposes of this testimony.

16 (Whereupon testimony of Jeff Henderson was read to the  
17 jury and the reporting was waived by all parties.)

18 MR. HARRIS: Your Honor, we've already read this  
19 through to page 79.

20 THE COURT: All right.

21 MR. WYATT: I won't dispute that, Your Honor, it was  
22 just those two pages.

23 THE COURT: All right.

24 (Whereupon the testimony was read to the jury.)

25 MR. HARRIS: Your Honor.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1132

1 THE COURT: Mr. Harris.

2 MR. HARRIS: I would prefer to put Mr. Logsdon on, and  
3 if they want to read this, we'll read that rather than do it  
4 now.

5 THE COURT: Makes sense.

6 MR. WYATT: I would prefer to read it to the jury  
7 because I'll have questions for Mr. Logsdon about this, and I  
8 don't know in what order they intend to do that.

9 THE COURT: Why don't you read the questions right  
10 before you question Mr. Logsdon about it. I think that would  
11 make more sense.

12 MR. WYATT: Very well, Your Honor.

13 THE COURT: So you're done with the trial?

14 MR. WYATT: We are, Your Honor, with the transcript.

15 THE COURT: Thank you, Mr. Graham.

16 Mr. Harris, you may call your next witness.

17 MR. HARRIS: I'll call Ryan Logsdon.

18 May I approach and remove the book?

19 THE COURT: Yes, sir, you may.

20 RYAN LOGSDON,  
21 having been first duly sworn, was called as a witness and  
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MR. HARRIS:

25 Q. Would you state your name, please, sir.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1133

1 A. Ryan Logsdon.

2 Q. Mr. Logsdon, would you pull that microphone closer to you  
3 so you don't have to lean up. How old are you, Mr. Logsdon?

4 A. 38.

5 Q. Do you live here in Tulsa?

6 A. Yes.

7 Q. Do you have any prior convictions?

8 A. Yes.

9 Q. What do you have prior convictions for?

10 A. Drugs.

11 Q. Drugs?

12 A. Drugs, yes.

13 Q. And when you used to sell drugs, what did you start out  
14 selling?

15 A. Marijuana and meth.

16 Q. And you got busted and started cooperating with police; am  
17 I correct?

18 A. Yes.

19 MR. HARRIS: Mary Anne, would you put up Exhibit 6 for  
20 me.

21 Q. (By Mr. Harris) Mr. Logsdon, it's going to be Exhibit 6 in  
22 front of you, and this is the Tulsa Police Department Special  
23 Investigations Division confidential informant background  
24 information, and it's dated 9/18 of '97, and it has Ryan Martin  
25 Logsdon. Is that you?

RYAN LOGSDON - DIRECT (By Mr. Harris)

1134

1 A. Yes.

2 Q. It gives you a CI number of 95-08-06. Do you see that in  
3 the right-hand corner? See that number in the right-hand  
4 corner, 95-08-06?

5 A. Yeah.

6 Q. I was going to touch this, but touch screens don't work.

7 A. All right.

8 Q. And at the time --

9 MR. HARRIS: If you'll go down to the bottom of the  
10 page, Mary Anne.

11 Q. (By Mr. Harris) At the time, the officer who was working  
12 with you was Wilcoxon; do you remember that?

13 A. Yes, I remember him.

14 Q. What happened? Did you get busted and then you started  
15 cooperating?

16 A. Yes, that's what happened. Yes.

17 Q. Did you end up going to prison?

18 A. Yes, I did.

19 MR. HARRIS: If you'll switch to page 2.

20 Q. (By Mr. Harris) So page 2 is a cooperating individual  
21 agreement. If you'll notice at the bottom, it has a date of 18  
22 September '97. Is that your signature?

23 A. Yes, it is.

24 Q. And the officer was Wilcoxon?

25 A. Right.



RYAN LOGSDON - DIRECT (By Mr. Harris)

1135

1 Q. So back in '97, what did you do for Officer Wilcoxon?

2 A. I gave him a few individuals, to lessen my sentence.

3 MR. HARRIS: If you'll go to page 3, Mary Anne.

4 Q. (By Mr. Harris) Now, that shows a date of 04/12/97,  
5 somebody involving Jimmy Green?

6 A. Yes.

7 Q. These are Tulsa Police Department records.

8 A. Yes.

9 Q. The next page, same year, Mario Valdovinos.

10 A. Yes.

11 Q. Another person, Jamil something, Cerane or Cervane?

12 A. Factor.

13 Q. Beg your pardon?

14 A. Jamil Factor.

15 MR. HARRIS: Switch over two pages.

16 Q. (By Mr. Harris) You also must have worked for an officer  
17 named Claramunt.

18 A. Yes.

19 Q. Back in '95?

20 A. Chris Claramunt, yeah.

21 MR. HARRIS: If you'll go over two more pages.

22 Q. (By Mr. Harris) And then in 19- -- I'm sorry, in 2007, do  
23 you remember a search warrant at your house?

24 A. 2007?

25 Q. Uh-huh.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1136

1 A. Yes.

2 Q. What year -- I mean what month?

3 A. January, end of January.

4 Q. Around the 23rd?

5 A. Yeah.

6 Q. Tell me what you remember about that search warrant.

7 A. I remember leaving the house around noon, one o'clock, and

8 getting pulled over by Officer Henderson.

9 Q. You motioned this way. Do you know Officer Henderson?

10 A. Yes, I know him.

11 Q. Do you see him here today?

12 A. Yes, I see him there.

13 Q. What's he wearing?

14 A. He's wearing a black suit.

15 Q. What color shirt?

16 A. I can't see. That screen is in the way right there. Blue.

17 Q. He's sitting next to the gentleman in the white linen suit?

18 A. Mr. Jones, yeah.

19 Q. You know Mr. Jones?

20 A. From the papers.

21 Q. Okay. And tell me what happened on January 23rd, 2007.

22 A. I got pulled over leaving the house. Mr. Henderson stopped

23 me in his maroon Impala, I believe, and he said, "Logsdon, I

24 got a warrant for your house." I said, "Oh, you do?" He goes,

25 "Yeah, let's go back to the house."

RYAN LOGSDON - DIRECT (By Mr. Harris)

1137

1 Q. Was he by himself?

2 A. No, he wasn't by himself. He was with two other men.

3 Q. Did you know them?

4 A. No, I didn't know them. Didn't know Henderson at that time  
5 either.

6 Q. Did you eventually find out the other two guys' names?

7 A. Yes, I did.

8 Q. Who were they?

9 A. Brandon McFadden and Frank Khalil.

10 Q. Now, when they went back to your house, did they have a  
11 search warrant?

12 A. Well, he handed it to me when he pulled me over.

13 Q. Uh-huh.

14 A. He handed the search warrant to me, and I read it.

15 Q. And what happened when they went back to your house?

16 A. Went back to the house. They handcuffed me, of course,  
17 took me back to the house. Actually, before we went to the  
18 house, Henderson got my girlfriend out of the car and searched  
19 her. And then they -- we went back to the --

20 Q. They showed you the search warrant eventually?

21 A. Yes.

22 Q. Did you --

23 A. Well, they showed me the search warrant on the traffic  
24 stop.

25 Q. Yeah.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1138

- 1 A. Uh-huh.
- 2 Q. So they went back to your house, and they had a search
- 3 warrant; right?
- 4 A. Right.
- 5 Q. And did they search your house?
- 6 A. Searched my house for about three hours, three, four hours.
- 7 Q. We'll come back to this in a second, but let me put up
- 8 Exhibit 11-e. Do you recognize that?
- 9 A. Yeah, that's my house.
- 10 Q. On Peoria?
- 11 A. Yes.
- 12 Q. So they went back to your house and they searched, and what
- 13 did they find?
- 14 A. Nothing.
- 15 Q. And who all was there during the search?
- 16 A. Frank Khalil, Brandon McFadden and Jeff Henderson, just
- 17 them three.
- 18 Q. What about your girlfriend?
- 19 A. She was there and my three-year-old son.
- 20 Q. And where were you all during all this?
- 21 A. We sat in the living room on the couch.
- 22 Q. While they did the search?
- 23 A. While they did the search, yeah.
- 24 Q. What happened after they didn't find anything?
- 25 A. Well, they didn't find anything, so Officer Henderson and

## RYAN LOGSDON - DIRECT (By Mr. Harris)

1139

1 Brandon McFadden -- as you see, there's a garage that's  
2 detached from my house.

3 Q. Where is the garage?

4 A. It's behind the house.

5 Q. The white building?

6 A. White building in the back there. That's a detached  
7 garage. Henderson and McFadden went out to my garage, and they  
8 was out there five, ten minutes, and they came right back in  
9 the house. Well, Henderson did. Told Frank Khalil he needed  
10 to talk to me. So Frank Khalil stayed in the house with my  
11 girlfriend and my son, and I went out back with Henderson.

12 Q. What happened when you got out to the garage?

13 A. He showed me two bags of marijuana that was in my toolbox.

14 Q. Were you selling marijuana at the time?

15 A. Not at that time, I wasn't.

16 Q. Were you smoking it?

17 A. No.

18 Q. So what happened?

19 A. We got into a big argument.

20 Q. What kind of big argument did you get into?

21 A. I told him, I said, "You brought that with you."

22 Q. What did he say?

23 A. He said, "No, I didn't." And we argued and we argued, and  
24 I kept telling him, "You brought that with you."

25 Q. Okay. How do you know that wasn't your dope?

RYAN LOGSDON - DIRECT (By Mr. Harris)

1140

1 A. Wasn't selling marijuana at that time.  
2 Q. What were you selling?  
3 A. Meth.  
4 Q. Were you selling cocaine?  
5 A. No, no cocaine either.  
6 Q. The reason I asked is Exhibit 11-a is the affidavit for the  
7 search warrant --  
8 A. Right.  
9 Q. -- and it talks about there was an -- Mr. Henderson said he  
10 had a RCI who, in the past 72 hours, saw you selling cocaine.  
11 Were you a cocaine seller then?  
12 A. No, I was not.  
13 Q. What did you sell?  
14 A. Meth.  
15 Q. How long had you been selling meth?  
16 A. I've been selling meth off and on for about the last 15  
17 years.  
18 Q. In fact, did you have some meth at your house that night?  
19 A. Oh, yeah, I had meth there. They just didn't find it.  
20 Q. So what happens after he says, I got this marijuana, and  
21 all that kind of stuff?  
22 A. He asked me, "Where are you getting your marijuana from?"  
23 And I said, "You."  
24 Q. You said, "You"?  
25 A. Yeah. I said, "You're the one that brought it."

RYAN LOGSDON - DIRECT (By Mr. Harris)

1141

1 Q. What did he say?

2 A. He goes, "Now, you're saying I plant drugs?" I said,  
3 "Hell, yeah, you do."

4 Q. So what happened?

5 A. He said, "Well, here's the deal. You're going to jail, and  
6 we're taking your kid, DHS custody, if you don't tell us where  
7 you're getting your marijuana." I said, "Oh, really?" And I  
8 thought about it for a minute, and I said, "Well, I'll show you  
9 my dope, but that dope right there, you brought." I said, "But  
10 before I show you where my dope is at, I want my child and my  
11 girlfriend out of here now." And he did that.

12 Q. So your girlfriend and your three-year-old left?

13 A. Yes.

14 Q. So it's just you, Officer Henderson, Agent McFadden and  
15 Officer Khalil after they --

16 A. Uh-huh.

17 Q. And so after they left, what happened?

18 A. He took my handcuffs off me. I walked down my hallway.  
19 They stood and watched. And I had a hole up in my wall in  
20 between the ceiling and attic, and I had two pounds of  
21 methamphetamine stashed in there.

22 Q. You mean just in the hallway?

23 A. In a hallway closet at the end of my hall.

24 Q. So you reached up there, and how much dope did you have?

25 A. Two pounds of meth.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1142

1 Q. So you brought it down?

2 A. Brought it down.

3 Q. What did you do?

4 A. Threw it on the kitchen table, and I said, "That's the dope  
5 you're looking for right there. That marijuana is not mine."

6 Q. How much dope was that? I mean, how much did the dope cost  
7 you?

8 A. That there?

9 Q. Yeah.

10 A. I paid about --

11 Q. What's a pound cost you?

12 A. Back then, it was 15,000.

13 Q. Okay. So you threw down the meth?

14 A. Yes.

15 Q. Then what happened?

16 A. He reached over and picked the marijuana up and put it in  
17 his coat pocket. He goes, "Where are you getting this meth  
18 at?" I said, "I can give you my supply on the meth, but I  
19 can't give you no supplier on the weed because I'm not selling  
20 weed." Then we began to talk about my supplier.

21 Q. Was anything else found at your house?

22 A. Yes.

23 Q. What?

24 A. \$60,000 cash.

25 Q. Where was the cash?



RYAN LOGSDON - DIRECT (By Mr. Harris)

1143

- 1 A. It was in the garage, in the attic, up in the insulation.
- 2 Q. How did they find that?
- 3 A. I showed them where it was at.
- 4 Q. Why did you do that?
- 5 A. Because I wanted to get everything out on the table and be
- 6 straight-up honest with these guys.
- 7 Q. So what did you, go out to the garage?
- 8 A. Yeah. Officer Henderson climbed up on my washer. I told
- 9 him where to go. And he reached up in there and he pulled --
- 10 it was a Wal-Mart sack, it had 60,000 in it.
- 11 Q. Where did you get that money from?
- 12 A. Selling dope.
- 13 Q. A lot of money?
- 14 A. Yeah.
- 15 Q. What had you been doing, saving your money?
- 16 A. Yeah, I'd been saving it.
- 17 Q. You must have been a good drug seller.
- 18 A. No, just saving my money.
- 19 Q. Did you ever sell drugs to a lady named Rochelle Martin?
- 20 A. No.
- 21 Q. It's a black female?
- 22 A. Yeah.
- 23 Q. You know who I'm talking about?
- 24 A. Yeah.
- 25 Q. How do you know who I'm talking about?

RYAN LOGSDON - DIRECT (By Mr. Harris)

1144

- 1 A. I met Rochelle Martin through Jeff Henderson.
- 2 Q. You mean before he searched your house?
- 3 A. No. After he searched my house, months later.
- 4 Q. When he searched your house, had you ever met Rochelle
- 5 Martin?
- 6 A. Before he searched the house?
- 7 Q. Uh-huh.
- 8 A. No.
- 9 Q. Had you ever dealt with her?
- 10 A. No.
- 11 Q. How about a guy named Matt Douglas, do you know him?
- 12 A. No.
- 13 Q. Did you ever deal with him?
- 14 A. No.
- 15 Q. Now, so you gave him the money and you gave him the cocaine
- 16 -- I mean you gave him the meth. And so what happened?
- 17 A. He then had me place a call to my supplier, and I set my
- 18 supplier up that night.
- 19 Q. Who was your supplier?
- 20 A. Avery Brewer.
- 21 Q. What happened with Avery Brewer?
- 22 A. He got arrested and went to federal prison.
- 23 Q. Where did he get arrested at?
- 24 A. At my house.
- 25 Q. How did you get him over to your house?

RYAN LOGSDON - DIRECT (By Mr. Harris)

1145

1 A. I made a phone call to him to bring a pound of meth over,  
2 and they arrested him when he pulled in the driveway.

3 Q. So he pulled in the driveway of your house bringing you a  
4 pound of meth?

5 A. Yes.

6 Q. And the cops arrested him; is that right?

7 A. Yeah.

8 Q. And so did you get hauled off to jail that night?

9 A. No.

10 Q. Why not?

11 A. Because I gave up my supplier.

12 Q. Did you get to keep your dope?

13 A. No.

14 Q. Did you get to keep your cash?

15 A. No.

16 Q. But you got to stay home?

17 A. Got to stay home.

18 Q. So after this, did you have any more conversations with  
19 Mr. Henderson or Mr. Khalil or Mr. McFadden about doing stuff  
20 for them?

21 A. Yeah. We talked a few days later. They wanted me to bring  
22 them some more suppliers.

23 Q. Okay. In front of you here, this is still part of  
24 Exhibit 6, your RCI file with the Tulsa Police Department.  
25 Shows a confidential informant background information, dated

RYAN LOGSDON - DIRECT (By Mr. Harris)

1146

1 2/5/07. Do you see that in the top left hand?

2 A. Yes, I do.

3 MR. HARRIS: Go down do the bottom, Mary Anne.

4 Q. (By Mr. Harris) And it shows that the officers are

5 F. Khalil and J. Henderson.

6 A. Okay.

7 Q. Okay. So if you go to the next page. Next page, I think,  
8 is going to be an individual agreement, cooperating individual  
9 agreement. See that?

10 A. Yes.

11 MR. HARRIS: Go down to the bottom, Mary Anne.

12 Q. (By Mr. Harris) Your signature down there of February 5th,  
13 I think? Do you see that?

14 A. Yes.

15 Q. Okay. And the officers are Khalil and Henderson again; am  
16 I right?

17 A. Right.

18 Q. So you started being a cooperator again, didn't you?

19 A. Yes, I did.

20 Q. And did you help them do some people?

21 A. Yes, I did.

22 Q. Avery Brewer?

23 A. Avery Brewer, started out with him.

24 Q. A guy named Dennis Martin --

25 A. Yes, I did.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1147

1 Q. -- in March?

2 A. Yes.

3 Q. David Jones in March?

4 A. Yes.

5 Q. Remember that?

6 A. Yep.

7 Q. So why were you doing this?

8 A. So I wouldn't have charges brought against me and I  
9 wouldn't lose my child.

10 Q. Now, there was also a guy name Luis Gonzalez, wasn't there?

11 A. Yes.

12 Q. Was that a controlled buy?

13 A. Controlled buy, yes.

14 Q. Tell us what happened on that. That was in February or  
15 March.

16 A. I believe that was in March of '07. March, April area of  
17 '07.

18 Q. Let me look at this, this Exhibit 6. February 6, '09.

19 A. That's when the buy was done?

20 Q. Okay. Tell me about that.

21 A. What I would do with Luis is -- I met him through a guy I  
22 know. And I did a few deals with him, bought some meth from  
23 him. Done one deal with him, went back and done another deal  
24 with him. And on a third deal, I snuck in a buy with money  
25 that Henderson gave me to make a purchase.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1148

1 Q. When they do these controlled buys, what do they do?

2 A. Well, usually the night before, I'll get in the car with an  
3 officer and they'll take me out, I'll show them where the  
4 person lives and here's where he lives, you know, I'll give him  
5 his name. And the next day, we'll meet up, and I'll make the  
6 phone call. They normally search my car, search my person,  
7 and then I'll go in and make the buy, then bring the drugs back  
8 out to the officer.

9 Q. On these controlled buys, were you buying on the sly?

10 A. Yes, I was.

11 Q. Were Henderson and Khalil knowing about it?

12 A. Yes, they did.

13 Q. What did they say about that?

14 A. They knew I was doing business with the guy. They knew I  
15 was buying dope and selling it. That's the only way I could  
16 get the guy to trust me in order to make a buy.

17 Q. When you were buying and selling, were you using your own  
18 money?

19 A. Using my money, yes.

20 Q. Then what would happen on the controlled buy?

21 A. I would use the money that Jeff Henderson gave me.

22 Q. This Luis Gonzalez, do you remember going to trial and  
23 testifying in his case?

24 A. Yes, I testified in state court.

25 Q. Did you testify about the controlled buy?

RYAN LOGSDON - DIRECT (By Mr. Harris)

1149

1 A. Yes.

2 Q. Did you testify about the uncontrolled buys?

3 A. No.

4 Q. Did they know about them?

5 A. In the courtroom?

6 Q. Uh-huh.

7 A. No.

8 Q. Why not?

9 A. Because that was something that only Jeff Henderson and I  
10 knew about, and Frank Khalil.

11 Q. Now, tell me about in May of 2007 -- now, during this time,  
12 this spring of 2007, who you are in contact with? Is it  
13 Henderson, Khalil or McFadden?

14 A. Mostly Henderson.

15 Q. Why is that?

16 A. Because he was the officer that I agreed to work with.

17 Q. Do you know who Larita Barnes is?

18 A. Childhood friend of mine.

19 Q. And she's somebody that lives here in Tulsa?

20 A. Yes.

21 Q. And you know where she lives?

22 A. Yes.

23 Q. And tell me about what happened when you and Officer  
24 Henderson talked about Larita Barnes.

25 A. One day we was driving around and I was showing him some

RYAN LOGSDON - DIRECT (By Mr. Harris)

1150

1 places that had dope in it, houses, say, this house has got  
2 dope in it, this house has got dope in it.

3 Q. Who was in the car with you besides you and him?

4 A. Me, Henderson and McFadden. He asks me, he says -- I  
5 didn't bring up the Barneses. He did. He said, "What about  
6 the Barneses?" I said, "I know them real well." He goes, "Can  
7 you buy from them?" I said, "No, I can't buy from them." He  
8 goes, "Do you know where they're keeping their dope?" I said,  
9 "No, but I've known them a long time. I've known Larita a long  
10 time." He said that they -- that Larita and Larry -- Larita,  
11 she knew that I was working for the TPD, because my house got  
12 busted.

13 Q. Well, I mean, was Avery Brewer busted because of you?

14 A. Yes.

15 Q. Did he get charged?

16 A. Yes.

17 Q. Did you get -- that same time back in January, did you get  
18 some cars forfeited?

19 A. Yeah, he forfeited my car, yeah.

20 Q. Did you have a friend named Paul Wells?

21 A. Yes.

22 Q. Did he know you got busted and were cooperating?

23 A. Yes.

24 Q. Do you know if Paul Wells knew Larita Barnes?

25 A. Yes.



RYAN LOGSDON - DIRECT (By Mr. Harris)

1151

1 Q. So what happened when you all started talking about the  
2 Barneses?

3 A. I said, "I don't know where they keep their dope. I know  
4 they don't keep it at their house, and I can't buy off of  
5 them. I just can't." And the conversation kind of went dead.  
6 Quit talking about it and started talking about other people.

7 Q. When's the next time Larry and Larita Barnes' name came up?

8 A. It came up in May.

9 Q. Of '07?

10 A. Uh-huh.

11 Q. What happened?

12 A. Well, Henderson called me one morning, he said, "I'm over  
13 here sitting on the Barneses' house." So in my mind, I'm  
14 thinking he's got an informant on the house. I didn't know  
15 what he was talking about. I went to the casino and messed  
16 around for a while, and I came home. And that afternoon, right  
17 before dark, he called me and he asked me if I was home. I  
18 said, "Yeah, I'm home." He pulls up in the back drive, and I  
19 get in the car with him and I sat down and look at him, and he  
20 tosses three ounces of dope in my lab.

21 Q. What kind of dope?

22 A. Meth. And I said, "What's this for?" And he goes, "Well,  
23 we just made a buy from the Barneses today." I said, "Oh, we  
24 did?" He goes, "Yeah." I said, "I told you" -- I threw it  
25 back at him and I said, "I can't buy from them people. I told

RYAN LOGSDON - DIRECT (By Mr. Harris)

1152

1 you that." He said, "Well, you're probably going to have to  
2 testify." I said, "No, I'm not." And he goes, "Well, how  
3 about this. You can think about going to prison, losing your  
4 kid, or you can testify. What do you want to do?" I got out  
5 of the car and went in my house.

6 Q. Okay. Now, they were first charged in state court, did you  
7 know that?

8 A. State court, yeah.

9 Q. Did you have to go testify in state court?

10 A. No.

11 Q. Are you aware that later on, they got indicted by --

12 A. Feds.

13 Q. -- the feds, and they got charged in federal court?

14 A. Picked it up, yeah.

15 Q. In April of 2008, there was a jury trial. Do you remember  
16 that?

17 A. Yes.

18 Q. Did you testify at that?

19 A. Yes, I did testify.

20 Q. What did you testify to?

21 A. That I made a buy out of their house.

22 Q. From whom?

23 A. From Larita Barnes.

24 Q. And was it true that you made that buy?

25 A. No, it was not.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1153

1 Q. Were you under oath and testifying?

2 A. Yes, I did.

3 Q. Were you sitting in front of a jury just like this?

4 A. Yes, I did.

5 Q. Were you sitting in a witness chair just like that?

6 A. Yes, sir.

7 Q. Did you tell the truth or lie?

8 A. I lied.

9 Q. Why in the world would you do that?

10 A. Officer Henderson told me to.

11 Q. Did you not think coming into federal court and lying was a  
12 big deal?

13 A. Yeah, it was, but I had no choice. I didn't want to lose  
14 my child.

15 Q. So how did you come up with a story of what happened?

16 A. Well, there was several times, three or four different  
17 times Henderson and McFadden would come pick me up late at  
18 night and we'd go ride around in Tulsa, and they'd tell me what  
19 to say, what not to say.

20 Q. What did they tell you to say?

21 A. Basically, you know, from beginning to the end of how the  
22 buy went down.

23 Q. What did they tell you how the buy went down?

24 A. Basically that, you know, we met up, we searched you, we  
25 searched your car, we gave you the money, you went to the

RYAN LOGSDON - DIRECT (By Mr. Harris)

1154

1 Barneses' house. The whole scenario.

2 Q. You went in the Barneses' house?

3 A. Made the buy, came back out, meet us down the street, give  
4 us the dope, we search you again and you go on.

5 Q. How much dope were you supposed to have bought?

6 A. Supposed to been three ounces for \$3,000.

7 Q. Where did the \$3,000 supposed to have come from; did you  
8 know?

9 A. Supposedly McFadden checked it out.

10 Q. So that was the story you were going to tell?

11 A. Yeah.

12 Q. So it is pretty easy to walk in here with just kind of a  
13 synopsis of what you're supposed to tell and tell about it?

14 A. It's not easy.

15 Q. How did you make it up?

16 A. They coached me. I didn't -- I did what they told me to  
17 do.

18 Q. So when the Assistant U.S. Attorney got up here and asked  
19 you questions, what did you do?

20 A. Lied.

21 Q. Did you know whether McFadden was lying?

22 A. Yes, he was lying.

23 Q. Did you know whether Henderson was lying?

24 A. Yes, he was lying.

25 Q. How do you know that?

RYAN LOGSDON - DIRECT (By Mr. Harris)

1155

1 A. Because it didn't happen. The buy did not happen.  
2 Q. Before you testified, did you meet with the Assistant U.S.  
3 Attorney?  
4 A. Before the buy?  
5 Q. No, before the trial.  
6 A. Yes, Rob Raley.  
7 Q. Uh-huh.  
8 A. Yeah, I met with him twice.  
9 Q. Did you tell him this was all made up?  
10 A. No. Scared to.  
11 Q. Why?  
12 A. Afraid I'd go to prison if I did.  
13 Q. What happened to the Barneses; do you know?  
14 A. Went to prison.  
15 Q. They got convicted?  
16 A. Yes.  
17 Q. Have you seen them since?  
18 A. I've seen Larry.  
19 Q. What did you say to him?  
20 A. Just kind of looked at each other. He looked at me, and he  
21 said, "I appreciate that." I said, "No problem." He  
22 appreciated me coming forward and telling the truth so he got  
23 released from federal prison.  
24 Q. Let's go back to the Barneses. Back in '07 after the  
25 Barnes thing of May, do you remember start working with Brandon

RYAN LOGSDON - DIRECT (By Mr. Harris)

1156

1 McFadden?

2 A. Yeah, I worked for Henderson for about seven months. Then  
3 I went to McFadden.

4 Q. How did you get hooked up with McFadden?

5 A. I got McFadden's phone number the day of the warrant at my  
6 house. I got all three of their phone numbers, Khalil,  
7 Henderson and McFadden. And I done probably eight to ten  
8 suppliers for Henderson, gave up eight to ten suppliers. And I  
9 got a phone call from Henderson the summer of '07 area, and he  
10 said, hey, he goes, "Do you still got McFadden's phone  
11 number?" I said, "Yeah, I've got it in my phone." He goes,  
12 "Well, the feds are wanting to indict you, so you need to do  
13 some things for them now." And that's when I called Brandon  
14 and said, "What do I got to do?"

15 Q. So what was McFadden telling you about the feds wanted to  
16 indict you?

17 A. They wanted to indict me.

18 Q. Who was the AUSA who wanted to indict you; did you know?

19 A. Jan Reincke.

20 Q. Did you ever meet with her?

21 A. No, I never met her.

22 Q. So all this was coming through whom?

23 A. McFadden.

24 Q. So you met with McFadden. And so what did you start doing  
25 with him?

## RYAN LOGSDON - DIRECT (By Mr. Harris)

1157

1 A. Same thing I did with Henderson.

2 Q. Which is what?

3 A. Giving up suppliers.

4 Q. Do you remember a meeting one time at the Tulsa Community  
5 College?

6 A. Yes.

7 Q. And what was that all about?

8 A. That was -- let's see, around May -- April, May of '07, I  
9 got a phone call from Henderson, and he asked me how was my  
10 cash. I said, "My cash is -- I got some cash. What's up? I  
11 just won some money at the casino. What you needing?" He  
12 said, "Well, I got this girl you need to go hook up with.  
13 She's got some dope." I said, "What's she got?" He said,  
14 "She's got 10 ounces of meth." I said, "Okay. So how much she  
15 want for it?" He said, "Well, I think it's 5,000." This  
16 conversation is with Henderson. I said --

17 Q. The conversation you're talking about right now?

18 A. Right. I said, "Well, what's this girl look like? Who is  
19 she?" He goes, "It's going to be a black girl. She's going to  
20 be in a dark-blue Chrysler. You're going to meet her at Tulsa  
21 Community College on North Harvard." I said, "Okay."

22 Q. Was it going to happen that day or the next day, or what?

23 A. Within an hour or two.

24 Q. So what did you do?

25 A. About an hour later, I go -- I pull in Tulsa Community

RYAN LOGSDON - DIRECT (By Mr. Harris)

1158

1 College and I see a dark-blue Chrysler, but about five or six  
2 parking spaces down, I see McFadden sitting in his black  
3 Chrysler with the window down halfway. I saw his face. I  
4 looked at him. I got out of my car. I got in the car with  
5 this black girl, and there was a Doritos bag rolled up on the  
6 floorboard. And she looked at it, and I looked at her, and I  
7 put the money on the console right here, and I grabbed the  
8 Dorito bag. I didn't say nothing to her. I got in my car and  
9 I went home.

10 Q. Had you ever met that black lady before?

11 A. No.

12 Q. Did you know who she was at the time?

13 A. No, not at that time.

14 Q. So you picked up the Dorito bag. What was in the Dorito  
15 bag?

16 A. Dope. Meth.

17 Q. And you left the money with her?

18 A. Yes.

19 Q. And you got in your car.

20 A. Got in my car.

21 Q. What happened?

22 A. Went home.

23 Q. What did you think was happening?

24 A. Well, Henderson told me that this girl sold meth and they  
25 got her dirty, they ran a warrant on her house, and I needed to



RYAN LOGSDON - DIRECT (By Mr. Harris)

1159

1 help her get rid of this dope so they could pay her supplier so  
2 they could get her supplier, was what he told me. So that's...

3 Q. So what were you supposed to do with the dope once you got  
4 it?

5 A. Sell it, get rid of it.

6 Q. Were you doing controlled buys for -- or controlled sales,  
7 I guess?

8 A. At that time?

9 Q. Yeah, for them?

10 A. No.

11 Q. This is just -- you get to make some money?

12 A. Yeah, make some money. Help them out, which will help me  
13 out.

14 Q. So this meth that you paid 5,000 for, how much could you  
15 turn around and sell it for?

16 A. 13, 14,000.

17 Q. What do you do? How do you do that?

18 A. Package it up.

19 Q. What does "package it up" mean?

20 A. Weigh it up, put it in packages, sell it.

21 Q. Do you cut it?

22 A. No, never cut my dope.

23 Q. So did you do that?

24 A. Yes.

25 Q. Did you later find out from Henderson or McFadden who that

RYAN LOGSDON - DIRECT (By Mr. Harris)

1160

1 lady was?

2 A. Yes, I did.

3 Q. How did you find that out?

4 A. I found out through McFadden who she was.

5 Q. Who did he tell you she was?

6 A. Her name was Rochelle Martin.

7 Q. And who was Rochelle Martin, did he tell you?

8 A. I guess it was one of Henderson's informants.

9 Q. Okay. Had Henderson ever brought you any before?

10 A. Had Henderson ever brought me dope before?

11 Q. Uh-huh.

12 A. Yes. On two different occasions.

13 Q. What was that for?

14 A. The same scenario.

15 Q. Same lady?

16 A. No. He brought it, him and McFadden brought it to my house  
17 in February of '07.

18 Q. Right after you got busted?

19 A. Right after I got busted.

20 Q. What were you supposed to do with that dope?

21 A. Sell it, get rid of it for them.

22 Q. And did you?

23 A. Yes, I did.

24 Q. What did you do with the money?

25 A. Kept it.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1161

- 1 Q. Oh, you bought it from them?
- 2 A. I paid cash for it when they came to the house.
- 3 Q. I gotcha. Did he tell you where he got that dope from?
- 4 A. Same scenario. That they got a guy dirty, busted his
- 5 house, and I needed to help them get rid of this dope so they
- 6 could, in exchange, get his supplier.
- 7 Q. So had you ever done this with the police before?
- 8 A. No, I had not.
- 9 Q. Kind of weird?
- 10 A. Real weird.
- 11 Q. Now, do you remember in June of that year of '07 getting
- 12 some marijuana?
- 13 A. Some marijuana? Yes.
- 14 Q. Who did you get that from?
- 15 A. McFadden.
- 16 Q. What did that marijuana look like?
- 17 A. It was a big bale, looked like a bale of hay, but it was --
- 18 Q. Okay, you're doing your arms out like three feet or four
- 19 feet.
- 20 A. Yeah, 50 pounds.
- 21 Q. How did you know it was 50 pounds?
- 22 A. I broke it down and weighed it up.
- 23 Q. How did you get it?
- 24 A. I got it from McFadden.
- 25 Q. What were you supposed to do with it?

RYAN LOGSDON - DIRECT (By Mr. Harris)

1162

1 A. Sell it.

2 Q. How is it -- would he just call you up and say, "I got 50  
3 pounds"?

4 A. No. He called up, asked me if I was at home. I said,  
5 "Yeah," and he came by. He said, "Is your garage door open?"  
6 I said, "No." And he goes, "Well, open it." So I opened my  
7 garage door, and he pulled his car in my garage and shut the  
8 garage door and he popped his trunk, and there it was.

9 Q. I thought you were a meth dealer.

10 A. Right. I couldn't have got rid of it.

11 Q. Well, what did he do?

12 A. Well, I weighed it up.

13 Q. No. What did he do when it was in his trunk?

14 A. He got it out and gave it to me. He goes, "Hey, I need you  
15 to get rid of this."

16 Q. How much were you supposed to pay him for it?

17 A. 10,000.

18 Q. Why were you buying marijuana if you you're a meth dealer?

19 A. I was doing everything they told me. Didn't want to go to  
20 prison or lose my kid.

21 Q. So what did you do with that marijuana?

22 A. I packaged it up, put it in a big trash bag. And after I  
23 got through weighing it up, this was about midnight, I looked  
24 across the street from my house, and there was a sheriff's  
25 deputy sitting in the ditch, which his name is Lance Ramsey,

RYAN LOGSDON - DIRECT (By Mr. Harris)

1163

1 and he's been after me because he knew I was a dope dealer. He  
2 was always looking at my house, driving by my house, driving  
3 by, watching.

4 Q. Because you were a dope dealer, weren't you?

5 A. I was a dope dealer. And he sat there for three or fours  
6 hours. And after he left, it was about three o'clock in the  
7 morning, I take the marijuana and I put it in my car, and I  
8 drive about a mile up the road and there's this big ditch, a  
9 ravine, I place it down there just to get it away from my house  
10 because I didn't know what was going on. And I went back a  
11 couple of days later, and it was gone.

12 Q. Somebody stole it?

13 A. I guess so. I guess somebody seen it or found it or  
14 whatever.

15 Q. Now, Lance Ramsey, who is Lance Ramsey?

16 A. He works for the Sheriff's department.

17 Q. Tulsa County?

18 A. Yes.

19 Q. Do you remember a time when he had a search warrant for  
20 your house?

21 A. Yeah. I found out through one of his informants, yeah.

22 Q. Did you talk to McFadden about that?

23 A. Yes, I did.

24 Q. What did McFadden tell you?

25 A. McFadden said -- I told McFadden that I heard that Lance

RYAN LOGSDON - DIRECT (By Mr. Harris)

1164

1 Ramsey had a search warrant for my house. He said, "Oh,  
2 really?" He called me back a few hours later and said, "Yeah,  
3 he does."

4 Q. What did you do with that information?

5 A. I called Lance Ramsey and asked him why he had a search  
6 warrant for my house.

7 Q. This time period when you're talking about Lance Ramsey has  
8 a search warrant for your house, was this before or after this  
9 marijuana -- where you take it in the ditch?

10 A. It was after.

11 Q. Sometime later?

12 A. Yeah, uh-huh.

13 Q. So what happened when you called up Lance Ramsey?

14 A. It pissed him off. Made him mad. We argued a little bit,  
15 and we hung up on each other. But I told him, "I found out you  
16 got a warrant for my house."

17 Q. Did he ask you how you knew?

18 A. I told him his informant Jeff Mears told me. That's  
19 exactly who told me.

20 Q. Did he end up running that search warrant?

21 A. No.

22 Q. Did you ever see or talk to Ramsey again?

23 A. I didn't talk to him for about year and a half later.

24 Q. What happened a year and a half later?

25 A. He ran a search warrant on my house.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1165

1 Q. Was that in June?

2 A. June of '09, yeah.

3 Q. Let's go back. Do you know a guy named Adrian Torres?

4 A. Adrian Torres. Yeah, I met him in the late summer of '07.

5 Q. Who did you meet him through?

6 A. Through McFadden.

7 Q. What was the purpose of you meeting Mr. Torres?

8 A. From what McFadden told me, they busted him with some coke  
9 or something and he was working off charges, like I was, so he  
10 wanted us to work together.

11 Q. Okay. So what did you do to work together?

12 A. We bought drugs.

13 Q. Who is "we"?

14 A. Adrian and I. We found suppliers, and we turned them over  
15 to McFadden.

16 Q. Were you doing controlled buys at the time or were you  
17 getting the dope and selling, or what?

18 A. I did no controlled buys for McFadden.

19 Q. Beg your pardon?

20 A. At that time, I didn't do any controlled buys for McFadden.

21 Q. So when you say you bought dope --

22 A. With my money.

23 Q. What would you do with it?

24 A. Resell it.

25 Q. What kind of dope were you buying?

RYAN LOGSDON - DIRECT (By Mr. Harris)

1166

1 A. Meth.

2 Q. And how many times do you think you bought -- did you buy

3 from Adrian Torres or with him?

4 A. I bought dope from Adrian Torres probably for our five

5 times.

6 Q. Did he ever buy it from you?

7 A. He bought it from me, yeah.

8 Q. And so what would you do when he would buy it from you?

9 A. When he would buy from me?

10 Q. Yeah.

11 A. I'd sell it to him.

12 Q. Was McFadden there surveilling or watching over you?

13 A. He knew what I was doing.

14 Q. How do you know that?

15 A. I told him.

16 Q. It was okay with him?

17 A. Yeah, it was okay with him.

18 Q. Were you giving him any of the money or any of the dope?

19 A. Who? McFadden?

20 Q. Yeah.

21 A. No.

22 Q. Do you know if Mr. Torres got busted?

23 A. I don't even know if he got busted. I was told he was an

24 informant that was working, just like I was. That's what I was

25 told by McFadden.



## RYAN LOGSDON - DIRECT (By Mr. Harris)

1167

1 Q. What about a guy named Amador, do you know him?

2 A. Rodolfo Amador?

3 Q. Yeah.

4 A. Yeah.

5 Q. How do you know him?

6 A. I met him at the flea market.

7 Q. Did you buy dope through him?

8 A. Yeah, I bought dope through -- from him.

9 Q. Or did you sell dope to him?

10 A. No, I never sold dope to him.

11 Q. Did you ever buy dope or sell dope with him?

12 A. I bought dope from Rodolfo Amador, yes.

13 Q. Did you ever talk to Henderson about Amador?

14 A. Yes.

15 Q. And what did you say to him?

16 A. Henderson asked me, you know, what kind of dope is he

17 selling. And I said, he's got crack, he's got weed, he's got

18 meth, but I wasn't interested in anything else but the meth.

19 Q. Do you know if Henderson arrested him?

20 A. Yes, he did.

21 Q. How do you know that?

22 A. Because I -- I made a -- I showed Henderson where he

23 lived. And I told Henderson there's dope, guns in that

24 house -- that apartment. And one day, I ordered up two pounds

25 of meth, cost me \$30,000, and Henderson and Frank Khalil

RYAN LOGSDON - DIRECT (By Mr. Harris)

1168

1 watched the deal go down at Bell Elementary over there in  
2 Tulsa. And I purchased two pounds of meth from him. He left  
3 the parking lot. Henderson pulled him over, and then went from  
4 there.

5 Q. I'm going to put an exhibit in front of you, Mr. Logsdon,  
6 Exhibit 3. Look at the very bottom. There's -- it's been  
7 admitted into evidence, a search warrant and affidavit  
8 Mr. Henderson got on July 19, '07 --

9 A. Okay.

10 Q. -- on a residence at 3403 North Lansing, Elton Shaw. Were  
11 you the RCI for that search warrant?

12 A. No, I was not.

13 Q. Do you know Elton Shaw?

14 A. No.

15 Q. Look at the top three there.

16 A. Okay.

17 Q. Admitted into evidence is a search warrant affidavit  
18 Mr. Henderson got on 9317 South 94th East Avenue for Dustin  
19 Shelley. Shows you to be the RCI. Were you the RCI for that  
20 search warrant on Dustin Shelley's place?

21 A. No, sir.

22 Q. Do you know Dustin Shelley?

23 A. No.

24 Q. Do you know where South 94th East Avenue is?

25 A. I didn't know, but I was showed by a federal agent where it

RYAN LOGSDON - DIRECT (By Mr. Harris)

1169

1 was at.

2 Q. On August 14, '07, Mr. Henderson got a search warrant for  
3 7976 South Sheridan, No. 301, for Corey Wayne Smith. Shows you  
4 as the RCI. Were you the RCI on that?

5 A. No.

6 Q. Did you deal with Mr. Smith?

7 A. No.

8 Q. Did you ever go to that 7976 South Sheridan, Apartment 301?

9 A. No.

10 Q. On September 26 of '07, Mr. Henderson got a search warrant  
11 for 2132 South 76th East Place, house of Jose Angel Gonzalez.  
12 Did you know Mr. Gonzalez?

13 A. I heard of him, but -- let's see, when was this? '07?

14 Q. Yes. September 26, '07.

15 A. I didn't hear of him until the summer of '08 through  
16 McFadden. So at that time, I did not know him. No, I did  
17 not. No.

18 Q. Did you deal with him in '07, Jose Angel Gonzalez?

19 A. No.

20 Q. Were you the RCI on that search warrant?

21 A. No.

22 Q. Do you know why Mr. Henderson would list you as the RCI on  
23 these four search warrants?

24 A. I have no idea.

25 Q. But you were -- did provide him information on other

RYAN LOGSDON - DIRECT (By Mr. Harris)

1170

1 places?

2 A. Oh, yeah.

3 Q. But just not those?

4 A. Not them, no.

5 Q. Now, you said that you found out in the summer of '08 about  
6 Jose Angel Gonzalez from Mr. McFadden. What did you find out  
7 about that?

8 A. I found out that he was a dope dealer that McFadden and  
9 Henderson had busted, I guess. And that he was working off  
10 some federal charges for McFadden.

11 Q. Do you remember in the summer of '08 Mr. Henderson bringing  
12 by four ounces?

13 A. Of meth?

14 Q. Uh-huh.

15 A. To me?

16 Q. Yeah. What was that about?

17 A. I don't know. He called my cell phone in late summer of  
18 '08, and he asked me if I was home. I said, "Yeah." He goes,  
19 "Well, I'll be there in a minute." He pulled up about five  
20 minutes later in my back driveway, and I hopped in the car with  
21 him. He was driving his black Charger at this time. He ran  
22 down the same scenario. He got this guy dirty, and he was  
23 trying to get rid of the dope so they could get their  
24 supplier. I said, "What do you got?" He goes, "I got four  
25 ounces here." I said, "What do you want for it?" He said

RYAN LOGSDON - DIRECT (By Mr. Harris)

1171

1 \$600. I went ahead and helped him out. I bought it and got  
2 rid of it.

3 Q. Four ounces of what?

4 A. Meth.

5 Q. For 600 bucks?

6 A. Pretty cheap.

7 Q. Real cheap, isn't it?

8 A. Yeah.

9 Q. Didn't you testify in the Barnes trial, you bought three  
10 ounces for 3,000?

11 A. Yes.

12 Q. Why was he selling it for 600 bucks?

13 A. I don't know.

14 Q. Did you ask him?

15 A. No.

16 Q. Didn't you think it was kind of hinky?

17 A. Yeah, a little cheap.

18 Q. So what did you do with that dope?

19 A. Resold it.

20 Q. Why would he sell it so cheap?

21 A. I don't know.

22 Q. So what's happening during '07 -- now we're in the summer  
23 of '08 -- and all through '08? Are you seeing McFadden or  
24 Henderson any or regularly or every now and then, or what?

25 A. Every now and then.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1172

1 Q. Are you calling them up saying, hey, what more can I do for  
2 you?

3 A. Yeah.

4 Q. Are they calling you?

5 A. "Just bring me more suppliers. We need more suppliers. We  
6 need more. We need more. They're wanting to file charges on  
7 you. Come on."

8 Q. Is McFadden talking to you any more about federal charges,  
9 or has that kind of gone away, or what?

10 A. McFadden called me September -- August, September of '08  
11 and said, "Oh, by the way, we're not filing charges on you.  
12 You're done."

13 Q. When he said that, did you continue to deal with him?

14 A. McFadden?

15 Q. Uh-huh.

16 A. I think I dealt one more time with him, and that was it.

17 Q. What was the one more time?

18 A. I bought some dope off him, McFadden.

19 Q. What kind of dope did you buy?

20 A. Meth.

21 Q. What about Henderson, did you keep dealing with him?

22 A. No.

23 Q. Why not?

24 A. Stopped calling. I stopped calling him.

25 Q. So did you think you all were even?

## RYAN LOGSDON - DIRECT (By Mr. Harris)

1173

1 A. I didn't know. Well, McFadden told me I was done, so...

2 Q. What did Henderson tell you?

3 A. He never did. He just told me I needed to call McFadden

4 because the feds wanted to indict me.

5 Q. Did you ever used to use meth?

6 A. No.

7 Q. Why not?

8 A. My addiction is money.

9 Q. You like it, huh?

10 A. Oh, yeah.

11 Q. Now, in June of '09, Lance Ramsey ran a search warrant on

12 your house, didn't he?

13 A. June of '09?

14 Q. Yes.

15 A. Yes, sir.

16 Q. Who else was with him?

17 A. The whole drug task force. There was one guy in particular

18 that stuck out, tall man. I never seen him before. And I

19 asked Lance Ramsey, I said -- they had searched my house. They

20 didn't find anything. Found some scales. Four or five hours

21 went by. I asked Lance Ramsey, I said, "Who is that tall guy

22 right there?" He said, "Well, his name is Gary, and he's from

23 the FBI." I said, "Oh, really?" I said, "I need to talk to

24 him." And that's when the conversation started.

25 Q. Why did you -- do you know who Gary Graff is?

## RYAN LOGSDON - DIRECT (By Mr. Harris)

1174

- 1 A. I know who he is now.
- 2 Q. He's a special agent with the FBI?
- 3 A. Yes.
- 4 Q. Why did you talk to him?
- 5 A. I said, "I think I know why you're here." He goes, "Why is  
6 that?" I said, "Well, it's not for drugs, because there's none  
7 here." He goes, "Well, what do you think I'm here for?" I  
8 said, "You're here to talk to me about some dirty cops, aren't  
9 you?" He goes, "Yeah, I am." I said, "Well, let's go talk,  
10 because we're not going to talk here. We need to go talk  
11 somewhere else."
- 12 Q. So did you go talk with the FBI?
- 13 A. Yeah. Yes, I did.
- 14 Q. What did you tell them?
- 15 A. I told them everything that happened from '07 all the way  
16 up until now.
- 17 Q. Did you tell them about you selling dope?
- 18 A. Selling drugs for the police.
- 19 Q. Did you tell them about you selling drugs?
- 20 A. Yeah. Oh, yeah, yeah, yeah.
- 21 Q. I mean, you were a drug dealer, weren't you?
- 22 A. Yeah, I was -- yeah. Oh, yeah, yeah.
- 23 Q. Did you tell them about Henderson?
- 24 A. Yes.
- 25 Q. McFadden?



RYAN LOGSDON - DIRECT (By Mr. Harris)

1175

1 A. McFadden.  
2 Q. How about Deb Clayton?  
3 A. Deb Clayton, yeah.  
4 Q. Do you know who J.J. Gray is?  
5 A. J.J. Gray. I know J.J. Gray.  
6 Q. Why did you do this, Mr. McFadden -- Mr. Logsdon? Why did  
7 you tell them?  
8 A. Just to get everything out on the table. And, look, man,  
9 these guys -- you need to know some things, man. These guys  
10 are dirty. They did me wrong.  
11 Q. Did they promise you immunity?  
12 A. Who, the FBI?  
13 Q. Uh-huh.  
14 A. No.  
15 Q. How about the U.S. Attorney's Office?  
16 A. No.  
17 Q. Do you have immunity today?  
18 A. No.  
19 Q. Do you have an agreement with the United States?  
20 A. No.  
21 Q. Can you be charged for everything you're telling?  
22 A. Yeah.  
23 Q. Why are you doing this?  
24 A. These cops, they need what's coming to them. They've done  
25 a lot of people wrong, and I'm one of them.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1176

1 Q. Well, you did a lot of people wrong, too, didn't you?

2 A. Well, I did a lot of people wrong, too, but --

3 Q. I mean, you're not innocent in all this, are you?

4 A. Oh, no. Oh, no. I used to sell dope.

5 Q. Let me ask you something back up here. 11-c. This is the  
6 TRACIS report of the search on January 23, 2007.

7 A. Of my house?

8 Q. Yeah.

9 A. Okay.

10 Q. There's going to be a document in front of you. See this  
11 in front of you, Mr. Logsdon?

12 A. Yes.

13 Q. Look at the bottom. Is that your signature?

14 A. Down at the bottom?

15 Q. Yes, sir.

16 A. Yes, that's mine.

17 Q. Below that, it says J. Henderson, and a date is 1/23/07.  
18 Do you see that?

19 A. Yes.

20 Q. At 1900, which is 7 p.m.

21 A. Okay.

22 Q. See all that writing above your signature? Is that your  
23 writing?

24 A. No.

25 Q. Whose writing is that?

RYAN LOGSDON - DIRECT (By Mr. Harris)

1177

1 A. I don't know who that is.  
2 Q. Well, why did you sign it?  
3 A. He told me that this was -- he had me sign this paperwork.  
4 Q. Who is "he"?  
5 A. Jeff Henderson.  
6 Q. Why did he have you sign this paperwork?  
7 A. He said, "Sign the bottom of this. I got to come back  
8 tonight and do my report. Just sign this right here for me."  
9 It wasn't filled out when I signed it.  
10 Q. It talks about -- this report talks about your vehicles,  
11 and you've been read your Miranda rights --  
12 A. Right.  
13 Q. -- and there was a search warrant on your house and you  
14 gave permission to search. And why would you sign something  
15 blank?  
16 A. He told me to, so I did.  
17 Q. When is the last time you saw Mr. Henderson?  
18 A. I saw Mr. Henderson about a year ago.  
19 Q. Where did you see him at?  
20 A. Out south, in south Tulsa. He pulled me over on a traffic  
21 stop.  
22 Q. Did you all talk?  
23 A. No.  
24 Q. What happened?  
25 A. I got pulled over on a traffic stop with him and Officer

RYAN LOGSDON - DIRECT (By Mr. Harris)

1178

1 Yelton. They pulled me over, said I didn't have a seat belt  
2 on, which I did. I ended up standing there about a hour and a  
3 half. They searched my car, pulled my car all apart, didn't  
4 find anything. Then I went home.

5 Q. Did he know at the time that you'd been cooperating with  
6 him with the FBI?

7 A. I believe so.

8 Q. Why do you think that?

9 A. My name was all in the newspapers.

10 Q. When is the last time you saw McFadden?

11 A. Last time I saw McFadden? '08.

12 Q. Okay. Where was that at?

13 A. I'd been out in Owasso the last time I dealt with him.

14 MR. HARRIS: May I have a moment, Your Honor?

15 THE COURT: You may.

16 Q. (By Mr. Harris) When they searched your house in January  
17 23, 2007, do you know whether or not any of your meth was  
18 stolen?

19 A. I received some meth from Officer Henderson and Brandon  
20 McFadden about a month after the search warrant. It looked  
21 like mine.

22 Q. Did you see it -- after you gave them the meth, do you know  
23 what they did with it at your house?

24 A. In January? No, I don't know what they did with it.  
25 Supposed to have turned it in.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1179

1 Q. In all the times you dealt with Officer Henderson, when you  
2 were getting drugs from him or whatever you were doing, was he  
3 wearing a firearm?

4 A. Yes.

5 Q. Was he carrying a firearm?

6 A. Yes.

7 Q. Was he a policeman?

8 A. Yes.

9 Q. When you got busted by the FBI -- not busted, but when you  
10 started talking to Gary Graff from the FBI in June of '09, did  
11 you tell them about the Barnes trial?

12 A. Yes.

13 Q. Did you tell them about the fake Barnes buy?

14 A. Yes. First thing I told them.

15 Q. Did they know anything about it; do you know?

16 A. They knew that I testified, but they --

17 MR. WYATT: Objection. Calls for speculation as to  
18 what Gary Graff --

19 THE COURT: Sustained.

20 Q. (By Mr. Harris) Did you tell them about what you did with  
21 the Barneses?

22 A. They knew that I testified, but they didn't know that it  
23 was a fake buy.

24 Q. Did you tell them it was a fake buy?

25 A. Yes.

RYAN LOGSDON - DIRECT (By Mr. Harris)

1180

1 Q. Did you tell them you lied?

2 A. Yes.

3 MR. HARRIS: That's all I have, Your Honor.

4 THE COURT: Let's take our morning break at this  
5 time. We'll be in recess until 10:50.

6 Spectators remain.

7 (The following proceedings were had outside the presence of  
8 the jury.)

9 THE COURT: The person who has been identified as the  
10 one who was trying to communicate with one of the jurors in the  
11 courtroom, I'd like to talk to you, sir. Can you identify  
12 yourself, please?

13 MR. MILLS: Tony Mills.

14 THE COURT: What is your interest in this trial?

15 MR. MILLS: Just watching it.

16 THE COURT: Are you a friend of one of the parties or  
17 know something about the case?

18 MR. MILLS: I don't know anybody in it.

19 THE COURT: You're just a citizen from Tulsa?

20 MR. MILLS: Yes, my whole life.

21 THE COURT: Well, it's been reported to me you were  
22 talking to one of the jurors in the elevator, and I need to  
23 find out what you said. That was last week.

24 MR. MILLS: I didn't know it was a juror that I was  
25 talking to. The only thing I mentioned was that Attorney Jones

RYAN LOGSDON - DIRECT (By Mr. Harris)

1181

1 seemed a little off on his comment. It was right after he  
2 testified about the north and south.

3 THE COURT: All right. You understand that you cannot  
4 talk to jurors about anything about this case?

5 MR. MILLS: Yes, I do.

6 THE COURT: Are you TPD or former law enforcement?

7 MR. MILLS: No, sir, I have nothing to do with this  
8 case.

9 THE COURT: Any questions from the government?

10 MS. DUKE: No, Your Honor.

11 THE COURT: Defense counsel?

12 MR. GRAHAM: No, Your Honor.

13 MR. JONES: No, Your Honor.

14 THE COURT: All right. Thank you very much,  
15 Mr. Mills. In the future, try to refrain from commenting to  
16 anyone who may be a juror, now that you've seen them.

17 MR. MILLS: I will.

18 THE COURT: Thank you very much. Court will be in  
19 recess.

20 (A RECESS WAS HAD, AFTER WHICH THE FOLLOWING PROCEEDINGS  
21 WERE HAD IN OPEN COURT, WITHIN THE PRESENCE AND HEARING OF THE  
22 JURY:)

23 THE COURT: Court is back in session. Cross-  
24 examination?

25 MR. WYATT: Yes, please.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1182

1 May it please the court.

2 THE COURT: Counsel.

3 CROSS-EXAMINATION

4 BY MR. WYATT:

5 Q. Are you employed today, Mr. Logsdon?

6 A. Am I employed?

7 Q. Pardon me?

8 A. Employed?

9 Q. Yes, sir. Are you employed today?

10 A. No. I'm in between jobs. I'm looking.

11 Q. When's the last time you had a job?

12 A. Oh, about five, six months ago.

13 Q. What was that job, sir?

14 A. At Magnesium Products.

15 Q. And were you working there just part-time?

16 A. Yeah, part-time off and on for about the last three years.

17 Q. Okay. What has been the primary source of your income  
18 during that time?

19 A. That and a little bit of casino.

20 Q. Okay. When you say "a little bit," how much money are you  
21 talking about you've made in the last three years at a casino?

22 A. Three years at the casino? Close to 140,000.

23 Q. Have you reported all that on your tax returns?

24 A. Yes, uh-huh.

25 Q. Okay. Now, you've been a drug dealer for the last 15



RYAN LOGSDON - CROSS (By Mr. Wyatt)

1183

1 years, haven't you?

2 A. Right.

3 Q. And that's been your principal occupation?

4 A. Off and on, yeah.

5 Q. You've made most of your income during the last 15 years  
6 off of that?

7 A. Yeah.

8 Q. You might buy a pound of methamphetamine for \$17,000, sell  
9 it for \$34,000; right?

10 A. Yeah.

11 Q. You break it down, you sell it; is that correct?

12 A. Yes, sir.

13 Q. And you double your money in most cases?

14 A. Right.

15 Q. In some cases, if you may buy four ounces for \$600, then  
16 you're going to make about 10 times the amount; right?

17 A. Yeah, yeah.

18 Q. And when you're talking -- About how many pounds of  
19 methamphetamine have you moved in the last 15 years?

20 A. I wouldn't know. A lot.

21 Q. More than 100?

22 A. Probably around there, yeah, somewhere around there.

23 Q. Okay. And at \$10,000 a pound, that's, what, a million  
24 dollars?

25 A. Yeah.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1184

1 Q. And that would be a fair price; right?

2 A. Yeah.

3 Q. In fact, that would be probably low, wouldn't it? That  
4 would be the actual cost?

5 A. Right.

6 Q. So you may have profited a million dollars in the last 10  
7 years?

8 A. I don't know if I would say that much.

9 Q. Now, you buy in both bulk quantities and small quantities;  
10 right?

11 A. Right.

12 Q. You sell in bulk quantities and small quantities; right?

13 A. Right.

14 Q. So that means that you're either selling to the street  
15 user, who might buy a \$100 worth; right?

16 A. Right.

17 Q. Or you might sell to other dealers where they might want  
18 \$10,000, \$20,000 worth at a time?

19 A. Right, right.

20 Q. And that's something that you can make happen; right?

21 A. I used to be able to but I can't no more.

22 Q. Okay. During the time that you've talked about that's  
23 alleged in this indictment, you were a person who could make  
24 that happen?

25 A. Right.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1185

1 Q. You were the go-to guy in Tulsa to get methamphetamine?

2 A. Well, one of them.

3 Q. One of them. Larry Barnes was another one, wasn't he?

4 A. Yeah.

5 Q. And Larita Barnes was another one, wasn't she?

6 A. Yeah.

7 Q. And they were well-known drug dealers in this area, weren't  
8 they?

9 A. Yeah.

10 Q. You were a well-known drug dealer in this area?

11 A. Yes, sir.

12 Q. The police were aware of your activities and illegal  
13 activities; correct?

14 A. Yes.

15 Q. The police were aware of Larry Barnes and Larita Barnes'  
16 illegal activities, weren't they?

17 A. Yeah.

18 Q. And they were always looking to get you. Some officer,  
19 whether it was feds, whether it was county, whether it was  
20 local, city, TPD, somebody was looking over your shoulder at  
21 all times, weren't they?

22 A. Yeah.

23 Q. And you had to be careful, didn't you?

24 A. Yes.

25 Q. Now, to be someone who is dealing in mass quantities of

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1186

1 methamphetamine, you have to be on the look all the time;  
2 right?

3 A. Right.

4 Q. You're always looking over your shoulder, you want to know  
5 who's paying attention to you; right?

6 A. Right.

7 Q. You're looking around your house, looking to see if there  
8 are any sheriff's officers, any strange cars, any police  
9 officers watching me; right?

10 A. Right.

11 Q. When you're driving down the road, whether you're in your  
12 PT Cruiser or your brand new red Chrysler 300M, you're looking  
13 to see is somebody following me; isn't that right?

14 A. That's right.

15 Q. And something you pay very close attention to?

16 A. That's right.

17 Q. Now, to be a supplier who can make a phone call and get one  
18 pound delivered to you in a matter of 30 minutes, that means  
19 you're an important fellow, doesn't it?

20 A. At one time, yeah.

21 Q. Okay. I mean, not just anybody can make a phone call and  
22 have somebody deliver a pound of meth in a matter of 30 minutes  
23 or even an hour.

24 A. Right.

25 Q. In fact, most suppliers would need a couple of days to come

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1187

1 up with a pound, maybe a week or more; right?

2 A. Yeah, some people.

3 Q. So that means that you know people and are dealing with  
4 people who have substantial quantities available to them?

5 A. At one time I was, yeah.

6 Q. Okay. Now, this meth that you're dealing with, is it the  
7 old style crank or is it the new ice?

8 A. What I used to deal in, the new ice.

9 Q. Tell the jury the difference. What is crank?

10 A. Crank is a form of meth that's been out for a long time,  
11 which it's hard to find any more. And the new style meth is  
12 ice which has mostly been brought in from Mexico.

13 Q. And during this period of time there was a shutdown on  
14 pseudoephedrine in Oklahoma, wasn't there?

15 A. I heard something about it, yeah.

16 Q. Well, I mean, it was all over the news, all over the  
17 papers.

18 A. Right.

19 Q. The governor of Oklahoma had an agenda on this, didn't he?

20 A. Yeah, something like that, yeah.

21 Q. And during that time it became even harder to get ice or to  
22 get meth in any form during that period of time; isn't that  
23 true?

24 A. Yes.

25 Q. And, in fact, almost all of the ice, all of the meth, was

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1188

1 coming out of Mexico at that time because you couldn't get the  
2 product to make it here; isn't that correct?

3 A. Right.

4 Q. Now you're a person who knows how to make it though, aren't  
5 you?

6 A. No.

7 Q. You don't?

8 A. No.

9 Q. You don't know the Nazi method, you don't know --

10 A. No.

11 Q. -- the single-pot method?

12 A. No.

13 Q. You don't know any of those things?

14 A. No.

15 Q. Don't know how it's made?

16 A. No.

17 Q. Don't know what the ingredients are?

18 A. No.

19 Q. Okay. Now, on January 23rd, the day the search warrant was  
20 served on you in 2007, --

21 A. Yes, sir.

22 Q. -- you were able to make a single phone call to Avery  
23 Brewer and within 30 minutes have him there with a pound of  
24 meth; isn't that correct?

25 A. Yes, sir.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1189

1 Q. And you did that?

2 A. Yes, sir.

3 Q. And he did that because you're a trustworthy client,  
4 someone that he believes in?

5 A. Right.

6 Q. And somebody that he knows can move this kind of quantity?

7 A. Right.

8 Q. And somebody that you dealt with him buying and/or selling  
9 for a long time; isn't that correct?

10 A. Right.

11 Q. He was a regular customer of yours, whether it was to  
12 deliver you meth or whether you were selling to him; correct?

13 A. I never sold any meth to him. I always got meth from  
14 him.

15 Q. Okay. So he's just your supplier; you never sold to him?

16 A. At one time he was, yeah.

17 Q. Okay. Now, there was a mention just toward the end of your  
18 testimony about in February of 2008 that you found out that the  
19 Tulsa County Sheriff's Office might have a search warrant out  
20 for your property; right?

21 A. Right.

22 Q. And you said that you made a phone call to Lance Ramsey  
23 about that and asked him about that; isn't that what you told  
24 this jury?

25 A. Yes, I did.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1190

1 Q. Now, the reality is, sir, you went to Brandon McFadden and  
2 asked him, "Is there a search warrant," and he told you, "Yes";  
3 isn't that right?

4 A. Well, in reality, sir, I had sold some --

5 Q. Is that right?

6 THE COURT: Let the witness finish his response.

7 MR. WYATT: Yes, Your Honor.

8 A. What had happened was I sold some meth to one of my  
9 customers. My customer got busted with that meth, didn't give  
10 me up, but Lance Ramsey questioned him all night long in the  
11 county jail about me. That man made bond and come and told me  
12 that Lance Ramsey was going to run a warrant on my house.

13 Q. And you confirmed that with Brandon McFadden; isn't that  
14 true?

15 A. I confirmed that with McFadden, yes.

16 Q. And then you immediately made a phone call to Lance Ramsey  
17 bragging that you had people in high places and that you knew  
18 there was a warrant and they better not serve it because there  
19 wasn't any dope there, that you moved it. Isn't that what  
20 happened, sir?

21 A. I didn't brag to nobody.

22 Q. Okay. You didn't call him telling him, "I have friends in  
23 high places"?

24 A. I didn't tell him that. I just asked him, "Do you have a  
25 warrant for my house," and he said, "Yes."



RYAN LOGSDON - CROSS (By Mr. Wyatt)

1191

1 Q. You just asked him did he have a warrant?

2 A. I asked, "Do you have a warrant for my house," and he said,  
3 "Yes."

4 Q. Okay. Very well. Now, did you tell him you have friends  
5 in high places?

6 A. No.

7 Q. Have you told other officers that since you have been  
8 working with the feds in this particular investigation?

9 A. No.

10 Q. Were you stopped by a traffic officer in Tulsa, Oklahoma,  
11 on a traffic stop and did you tell that officer that you had  
12 friends in high places and you would take him to federal court  
13 if he messed with you?

14 A. No.

15 Q. Now, after this search warrant in January 23rd, 2007, you  
16 began doing a lot of illegal business deals with Brandon  
17 McFadden, didn't you?

18 A. Yes, I did.

19 Q. And, in fact, you had so many deals with him that you told  
20 the Office of Inspector General for the Department of Justice  
21 that you paid him between 250- and \$300,000 during the period  
22 of your association with Brandon McFadden?

23 A. Between Officer Henderson and McFadden, that's how much  
24 money I gave them two.

25 Q. You told the Office of Inspector General that it was 250-

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1192

1 to 300,000 to McFadden; isn't that correct, sir?

2 A. I believe so.

3 Q. And you had an opportunity to read the report that the  
4 Office of Inspector General prepared; isn't that correct?

5 A. Right.

6 Q. And you didn't tell them to change that; you left it that  
7 Agent McFadden received 250- to 300,000?

8 A. Right.

9 Q. You also swore under oath at page 36 of the grand jury that  
10 during your association with Brandon McFadden that you paid him  
11 between 250- and \$300,000; is that correct?

12 A. That's correct.

13 Q. Now, today you're saying, though, it was split between  
14 McFadden and Henderson?

15 A. Right.

16 Q. Okay. That's different --

17 A. Not the full amount. Not the full amount.

18 Q. So that would be different from your testimony under oath  
19 in the grand jury?

20 A. Right.

21 Q. Now, at the grand jury you took the same oath that you took  
22 in this courtroom; is that correct?

23 A. Yes, sir.

24 Q. Okay. Now, if Brandon McFadden testified that he only got  
25 between 50- and \$100,000, you would disagree with that,

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1193

1 wouldn't you?

2 A. I would disagree with that, yes.

3 Q. Now, that 250- to \$300,000, you told the grand jury, was  
4 from the sale of 25 pounds of methamphetamine; is that right?

5 A. Yes, sir.

6 Q. And that Brandon McFadden dealt with you, and whoever is  
7 buying, selling doesn't matter, there was a total of 25 pounds  
8 of meth moved between the two of you; is that correct?

9 A. That's correct.

10 Q. Okay. And is 25 pounds, that would be right at 10 kilos;  
11 correct?

12 A. Yeah, somewhere around there, yeah.

13 Q. Now, you would have made around 250- to \$300,000 off of  
14 that 25 pounds yourself too, wouldn't you?

15 A. Yeah, but I didn't.

16 Q. Okay. Now, when Mr. McFadden left Tulsa and moved back to  
17 Lubbock, everything just stopped, didn't it?

18 A. Yes.

19 Q. Mr. McFadden was your contact?

20 A. Contact for what?

21 Q. Your partner in crime.

22 A. I don't call it that.

23 Q. Okay. He was not a partner in crime with you?

24 A. I don't call it that.

25 Q. Okay. Now, you've never been prosecuted for any of the

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1194

1 illegal transactions related to this time period in the  
2 indictment, have you?

3 A. No.

4 Q. So from January of 2007, January 23rd, to be specific,  
5 2007, until today, have you been prosecuted or charged with any  
6 crime?

7 A. No.

8 Q. You haven't been charged with drug distribution?

9 A. No.

10 Q. You told the grand jury you were heavily involved in it  
11 though, didn't you?

12 A. Right.

13 Q. Under oath?

14 A. Right.

15 Q. You've told this jury that you're heavily involved in drug  
16 dealing during that time?

17 A. Right.

18 Q. You've not been charged with perjury in the Barnes case,  
19 have you?

20 A. No.

21 Q. Nobody has even talked to you about that, have they?

22 A. About what?

23 Q. Charging you with perjury.

24 A. It has been brought to my attention by the FBI but I  
25 haven't been charged though, no.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1195

1 Q. Okay. You haven't been charged with violating anyone's  
2 civil rights?

3 A. No.

4 Q. For your false testimony?

5 A. No.

6 Q. You haven't been arrested during that period of time, have  
7 you?

8 A. I went to jail about two months ago.

9 Q. Okay. What was that for?

10 A. Interfering with an officer.

11 Q. Something you did here in Tulsa County?

12 A. I guess so.

13 Q. Did you do it or not?

14 A. I don't even know what it means.

15 Q. So you didn't do it?

16 A. I guess not.

17 Q. Okay. You haven't had to post bail for any of these  
18 offenses other than maybe this one a couple months ago?

19 A. No, no.

20 Q. Okay. Haven't been punished in any way for your criminal  
21 activity?

22 A. No.

23 Q. Okay. Your son hasn't been taken away from you?

24 A. No.

25 Q. Even though you were dealing drugs out of the house with

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1196

1 him present?

2 A. Right.

3 Q. Even though you were dealing drugs in the car with him  
4 present?

5 A. Right.

6 Q. And that was a major concern to you, wasn't it?

7 A. Yes, it was.

8 Q. Now, you told this jury today that Officer Henderson  
9 threatened you with taking your son away?

10 A. Yes, sir.

11 Q. Now, you told the Office of Inspector General, specifically  
12 I believe it was Rachel Hart, you told her that it was McFadden  
13 who made those comments; isn't that correct?

14 A. They both did, sir.

15 Q. Sir, did you read the OIG report that was prepared?

16 A. Right. Well, I must have left it out.

17 Q. Well, in that OIG report it says that McFadden made that  
18 statement; isn't that correct?

19 A. Right.

20 Q. Now, you also gave testimony in a number of depositions  
21 related to the Barnes civil case, haven't you?

22 A. In a deposition?

23 Q. Yes, sir.

24 A. Yes.

25 Q. In fact, you've given testimony on at least three occasions

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1197

1 within the last 90 days?

2 A. Yes.

3 Q. And, in fact, that gentleman right back there in the yellow  
4 tie, he asked you some questions, didn't you?

5 A. Oh, yeah.

6 Q. Mr. Tony Allen?

7 A. Yeah.

8 Q. Probably, what, a stack of questions about that thick?

9 (INDICATING)

10 A. Oh, yeah.

11 Q. And you've seen the transcripts of those; correct?

12 A. Yes.

13 Q. You have them?

14 A. I've got half of them.

15 Q. Okay. And your attorney has the others; right?

16 A. I believe so.

17 Q. Okay. And in that testimony you admitted that it was  
18 McFadden. Again, that testimony was under oath; correct?

19 A. Right.

20 Q. Same oath you took in this courtroom?

21 A. Right.

22 Q. But in that testimony, in that deposition, that civil  
23 deposition, you said it was Brandon McFadden who threatened  
24 you -- your son, not Jeff Henderson; isn't that correct?

25 A. I believe so.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1198

1 Q. Okay. So your testimony today is different from what you  
2 told the Office of Inspector General and it's different from  
3 the deposition?

4 A. I just left it out but, yeah, it's different.

5 Q. Okay. Have there been any DHS investigations of you and  
6 your family?

7 A. Oh, no.

8 Q. Do you have more kids than one now?

9 A. I have two.

10 Q. At the time of the search warrant, you had one son,  
11 Rashawn, age three; correct?

12 A. Three-and-a-half years old, yes.

13 Q. And your girlfriend, Deanna Blassengill, was pregnant at  
14 that time; is that correct?

15 A. One month pregnant, yes.

16 Q. Okay. And that went to full-term and delivered a child?

17 A. Yes, sir.

18 Q. So you have two children today?

19 A. Yes.

20 Q. Okay. And DHS has never come to investigate or inspect  
21 your house or to question whether those children are at risk?

22 A. No.

23 Q. Okay. Now, you're an informant for the FBI today, aren't  
24 you?

25 A. Not today I'm not.



RYAN LOGSDON - CROSS (By Mr. Wyatt)

1199

1 Q. You're not cooperating with them?

2 A. I was told, I don't know, God, six, seven, eight months ago  
3 that they no longer needed me. They got enough information  
4 from me, I guess. I don't know.

5 Q. Okay. So they're through with you?

6 A. Basically.

7 Q. All but your testimony?

8 A. Right.

9 Q. Okay. From October of 2009 until seven or eight months  
10 ago, you were an informant for the FBI; is that correct?

11 A. I believe, yeah.

12 Q. Okay. And when they came to serve a search warrant on you,  
13 what was it, June of 2009?

14 A. Yeah, June 10th, I believe.

15 Q. In June the FBI showed up along with Lance Ramsey, you said  
16 it was?

17 A. Right.

18 Q. And a number of people, and they're pulling up the carpet  
19 in your house?

20 A. Yeah, tearing out sheetrock.

21 Q. You had new carpet, didn't you?

22 A. Not new. I put it in about, I don't know, four or five  
23 years before that.

24 Q. They were tearing up -- digging holes in your yard?

25 A. Yeah, with shovels.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1200

1 Q. They were breaking out your sheetrock?

2 A. Yeah.

3 Q. Looking behind things?

4 A. Yeah.

5 Q. And they were tearing up your house; right?

6 A. Yeah.

7 Q. Looking through everything, your refrigerator, every drawer  
8 in your house, pulled out everything and went through  
9 everything?

10 A. Everything, sir. Everything.

11 Q. And that was the Tulsa County Sheriff's Office?

12 A. And a couple of agents from the FBI.

13 Q. A couple of agents from the FBI?

14 A. Uh-huh.

15 Q. Now, after that particular day, you've had at least 15 to  
16 20 meetings with Agent Gary Graff; isn't that correct?

17 A. Oh, yeah, quite a few.

18 Q. Has he shown you a single memorandum of interview to look  
19 at?

20 A. What do you mean?

21 Q. Well, has he shown you a report and asked you to read it  
22 and say is this information accurate?

23 A. The information that I gave them?

24 Q. Yes.

25 A. Yeah.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1201

1 Q. Has Gary Graff done that?

2 A. Yes.

3 MR. WYATT: Your Honor, may we approach?

4 THE COURT: Yes, sir.

5 (THE FOLLOWING PROCEEDINGS WERE HAD AT THE BENCH, OUT OF  
6 THE HEARING OF THE JURY:)

7 MR. WYATT: Your Honor, to my knowledge, we've never  
8 been given copies of any FBI 302s from Gary Graff regarding his  
9 interviews with this witness.

10 MR. HARRIS: I think this witness is talking about the  
11 OIG report that he signed that came from Rachel Hart.

12 THE COURT: You don't have any 302s, is what you're  
13 saying?

14 MR. HARRIS: I'm saying he's never been shown a 302,  
15 yeah.

16 MR. WYATT: I have never seen one either. I haven't  
17 had one produced.

18 MR. HARRIS: I mean, you've got all the 302s.

19 MR. WYATT: What I'm saying is I do not have any from  
20 Gary Graff regarding this witness.

21 MR. HARRIS: Because I don't think there are any. I  
22 think he's talking about an OIG report. Just follow up and ask  
23 him.

24 THE COURT: (NODS HEAD UP AND DOWN)

25 MR. WYATT: Thank you, Your Honor.

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1202

1 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITHIN  
2 THE PRESENCE AND HEARING OF THE JURY:)

3 Q. (BY MR. WYATT) Respectfully, sir, the U.S. Attorney,  
4 Mr. Patrick Harris, tells me that there are no reports prepared  
5 by Gary Graff. Have you seen reports?

6 A. Well, I've seen a lot of paperwork from him. I'd have to  
7 see it so I can say "yes" or "no". I've seen reports. I'm  
8 thinking maybe the one that I gave them is what I'm thinking  
9 you're talking about. All the information I gave them, is that  
10 what you're talking about?

11 Q. I don't know, sir.

12 A. Well, tell me what you're talking about.

13 Q. I'm asking you: What did you see?

14 A. I've seen paperwork, all the information I gave them.

15 Q. Other than the OIG report prepared by Rachel Hart, have you  
16 seen any other investigative reports prepared that outline what  
17 you told them?

18 A. No. Just the ones that I gave them. I'm sorry. I  
19 misunderstood your question, sir. No, I haven't.

20 Q. Now, you would do anything to avoid going to prison; isn't  
21 that correct?

22 A. I try.

23 Q. Meaning you've said that on a number of occasions, haven't  
24 you?

25 A. Yeah.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1203

1 Q. You've told Larita Barnes that?

2 A. Yeah.

3 Q. You have told Gary Knox that?

4 A. Gary Knox that?

5 Q. Yes, sir. You know a man named Gary, don't you?

6 A. Yeah, yeah.

7 Q. And you've told him that you would do anything to avoid  
8 prison, wouldn't you?

9 A. Yeah.

10 Q. Okay. You've told these officers, whether it's the FBI,  
11 whether it's Officer Henderson, whether it is Brandon McFadden  
12 or Sean Larkin, you've told a lot of people, "I'll do anything  
13 to avoid going to prison. I just don't want to go to prison."  
14 Right?

15 A. Right. But I don't know Sean Larkin like that.

16 Q. Okay. How about Frank Khalil, did you tell him that?

17 A. I never had that conversation with Frank Khalil.

18 Q. Okay. You didn't have that conversation on January 23rd,  
19 2007?

20 A. I had that conversation with Henderson.

21 Q. No one else was there other than Jeff Henderson?

22 A. Well, McFadden and Khalil was there. They might have heard  
23 it but I wasn't talking to them. I was talking to Henderson  
24 himself.

25 Q. Now, you today have a lawyer; is that correct?

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1204

1 A. Yes.

2 Q. Is your lawyer in the courtroom? He's holding his hand up;  
3 right?

4 A. Yeah.

5 Q. His name is Stan Monroe, isn't it?

6 A. Yes.

7 Q. And, in fact, Stan Monroe and you intend to file a civil  
8 lawsuit against Jeff Henderson and Brandon McFadden and the  
9 City of Tulsa, don't you?

10 A. We haven't decided what we're going to do, sir.

11 Q. Okay. Did you tell Gary Knox, a friend of yours, that you  
12 were going to sue all of these people?

13 A. I can't remember saying that.

14 Q. You don't remember saying that, "Once Henderson gets found  
15 guilty, then I can file my lawsuit against him and McFadden for  
16 here and my mom's house, all that shit, search warrants fake,  
17 they planted dope, making me get on the stand for all the dope  
18 I sold for them, there's one great big lawsuit," Stan says  
19 here. He goes, "Ryan I'm not going to do nothing for you until  
20 Henderson is found guilty because there's no point. If  
21 Henderson does beat this case" --

22 MR. HARRIS: Judge, I'm going to object. This seems  
23 to be a really long question.

24 THE COURT: And it seems to be quoting from something.

25 MR. HARRIS: It does.

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1205

1 MR. WYATT: Your Honor, I'd be glad to play a tape if  
2 so and ask him if it's his voice. I'm asking him if he made  
3 this statement.

4 THE COURT: All right.

5 A. I've heard the recording, sir.

6 Q. (BY MR. WYATT) You've heard the recording, haven't you?

7 A. I've heard it sounds like me but I don't remember saying  
8 those things.

9 Q. You don't remember those things?

10 A. No.

11 Q. Okay. You don't deny it sounds like you on those  
12 recordings?

13 A. It sounds like me but I don't remember saying it.

14 Q. And you know Gary Knox, don't you?

15 A. Yeah; a childhood friend of mine.

16 Q. Okay. In fact, you were angry with him for making those  
17 recordings, weren't you?

18 A. I didn't know he made those recordings just until recently  
19 but, no, I'm not angry.

20 Q. Okay. So it was you on the recordings then?

21 A. I don't know if it was. It sounds like it but I don't  
22 remember saying them things.

23 Q. Okay. Now, since the investigation began, and I'm going to  
24 use June of 2009 since that was the day that the FBI ran a  
25 search warrant on you with Lance Ramsey.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1206

1 A. Sure.

2 Q. So from June of 2009 until today, how many times have you

3 met with anyone sitting at this table?

4 A. At that table?

5 Q. Yes, sir.

6 A. Three to five times.

7 Q. When was the last one?

8 A. The last time I met with these at this table?

9 Q. Yes.

10 A. Oh, probably three weeks ago.

11 Q. How long was that meeting?

12 A. Oh, an hour or two.

13 Q. Where did that meeting happen?

14 A. I believe it was at the federal building there on 61st and

15 Memorial.

16 Q. Okay. Would that be the FBI office?

17 A. I believe it is, yeah.

18 Q. And would that have been Agent Legleiter's office?

19 A. I believe so.

20 Q. Okay. Was Agent Graff there?

21 A. No.

22 Q. Who all was at that meeting?

23 A. Pat Harris, Patricia Harris, Ms. Duke, Kevin.

24 Q. Okay. No one else?

25 A. Oh, there was other officers. I seen some other people



RYAN LOGSDON - CROSS (By Mr. Wyatt)

1207

1 there, employees, but I don't know who they are.

2 Q. Was your lawyer there?

3 A. No.

4 Q. Okay. Now, during the period of time, from June of 2009  
5 until today, and I'll use that time frame, at any time during  
6 that period, were you carrying an FBI phone?

7 A. From June of '09 up until now?

8 Q. Any period of time during that.

9 A. I carried one for about three months, yeah.

10 Q. Actually, maybe more like from May until October, maybe six  
11 or seven months?

12 A. An FBI phone?

13 Q. Yes, sir.

14 A. I carried an FBI phone for about three months, sir.

15 Q. Okay. And that phone was a monitored telephone; correct?

16 A. That I got from the FBI, yes.

17 Q. In other words, every time that phone rang or every time  
18 you dialed it, the FBI could listen?

19 A. Right.

20 Q. And, in fact, it was either recorded or they were listening  
21 live; correct?

22 A. Right.

23 Q. Okay. And that was your understanding when you accepted  
24 that phone; is that correct?

25 A. Right.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1208

1 Q. And in those monitored phone calls, you made at least three  
2 phone calls to Jeff Henderson; isn't that correct?

3 A. Yes.

4 Q. And in those phone calls you tried to set Jeff Henderson up  
5 and ask him questions, didn't you?

6 A. Yes.

7 Q. And you asked him about the Barnes case, didn't you?

8 A. Right.

9 Q. And, in fact, Jeff Henderson said, "I hear you've been  
10 talking to people"; isn't that right?

11 A. Something around there.

12 Q. Yeah. And he said, "The only thing that I'm upset about is  
13 you lying to the feds about the Barnes case"; is that right?

14 A. I didn't lie to the feds, sir.

15 Q. Isn't that what he asked you? That's all I asked.

16 A. Something about he heard I talked to the feds, but I don't  
17 remember him saying I lied to the feds.

18 Q. He asked you specifically, "Did you tell anybody with the  
19 federal government that you lied or that we lied at the Barnes  
20 trial"?

21 A. I don't --

22 Q. All I'm asking is: Did he ask you that?

23 A. I don't remember.

24 Q. All I'm asking is --

25 THE COURT: Let him finish the answer, please.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1209

1 MR. WYATT: Yes, Your Honor.

2 (MR. WYATT BEGAN APPROACHING THE BENCH)

3 THE COURT: I said, "Let him finish his answer."

4 MR. WYATT: Oh, I'm sorry. I thought you said to  
5 approach the bench, Your Honor.

6 THE COURT: I guess I'll have to speak more  
7 distinctly.

8 MR. WYATT: Excuse me. I apologize, Your Honor. I'll  
9 slow down.

10 Q. (BY MR. WYATT) I ran over you a little bit and I  
11 apologize.

12 A. All right.

13 Q. I asked you and I believe you answered but I want to make  
14 sure I heard it right. I asked you: During that conversation,  
15 Jeff Henderson specifically asked you did you give them  
16 information saying that you lied about Larry Barnes at that  
17 trial?

18 A. It was brought up, somewhere around -- I can't remember the  
19 exact conversation but it was brought up about the Barnes.

20 Q. And in that conversation you never said, "Hey, I didn't  
21 tell them that," did you?

22 A. I might have said something like that, yeah.

23 Q. Okay. And you never said when he said, "Hey, if you did  
24 that, then I'm mad at you because you lied about it." He said  
25 that to you, didn't he?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1210

1 A. Honestly, I can't remember.

2 Q. Do you think it would refresh your recollection if we  
3 needed to play those tapes?

4 A. I guess.

5 Q. Okay. Well, we may come back and do that in just a few  
6 minutes.

7 A. Okay.

8 Q. Didn't Jeff Henderson tell you that he was angry with you  
9 for lying about that particular incident?

10 A. He never told me he was angry. I could hear it in his  
11 voice, you know.

12 Q. He told you if you lied about that, if you said that, that  
13 that was a lie, and you never denied it, did you?

14 A. Honestly, I can't remember, sir.

15 Q. Very well.

16 Did you tell Gary Knox, your childhood friend, about the  
17 search at your house?

18 A. There's a lot of people that knows about the search at my  
19 house. Which one, which search?

20 Q. January 23rd, 2007.

21 A. I told a lot of people about that search.

22 Q. Well, I'm asking about Gary Knox, your childhood friend.

23 A. I told him a little bit about it, yeah.

24 Q. And during that particular conversation, it was tape  
25 recorded; isn't that correct?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1211

1 A. I've been told it was.

2 Q. Tapes have been provided to you in the civil case, haven't  
3 they?

4 A. Yeah, I've got some recordings at home, yeah.

5 Q. And, in fact, you've listened to those, haven't you?

6 A. Yeah.

7 Q. Okay. So, in fact, there was a conversation recorded,  
8 wasn't there?

9 A. I guess there was.

10 Q. Yes, sir.

11 And in that conversation, isn't it true that you said that  
12 the feds are wicked?

13 A. Wicked?

14 Q. Yes, sir.

15 A. Well, you've got to understand, when Gary Knox was coming  
16 out to my house recording me, he would bring a case of beer  
17 with him too. So if I was drunk, I don't remember saying these  
18 things.

19 Q. Okay. So, do you lie when you're drunk?

20 A. I can do whatever I want at my house.

21 Q. Well, I'm not saying --

22 A. I can lie to anybody; I can sit there and drink beer all  
23 day; I can do what I want at my house. If it was my childhood  
24 friend or not, I can say what I want to say. That's my house.

25 Q. I agree with you, you can.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1212

1 A. Okay.

2 Q. So when you're talking to your childhood friend, are you

3 just lying to him?

4 A. Just shooting the bull.

5 Q. Shooting the bull. And when you're shooting the bull, you

6 were talking about this particular case; right?

7 A. I could have been. I can't remember.

8 Q. And, in fact, you were bragging about how they didn't find

9 that weed; isn't that right?

10 A. Find what weed?

11 Q. At your house. Excuse me. That meth.

12 A. What search?

13 Q. January 23rd, 2007.

14 A. They didn't find meth at my house.

15 Q. I'm asking: Were you bragging to Gary about that?

16 A. I don't know. I can't remember.

17 Q. You don't remember telling them how big their eyes were

18 when they found all that?

19 A. Well, they eyes were big.

20 Q. Well, you came out and you slammed your chairs {sic} down

21 on the table and said, "Let's fucking talk about this."

22 A. Yeah.

23 Q. That's what you told them; right?

24 A. That's what I told them that day on the 23rd, yeah.

25 Q. And you told them that, "I know why you're here. Let me

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1213

1 just put it all out there." Is that right? Is that right?

2 A. I can't remember saying that.

3 Q. Okay. And every other word was the F word; is that right?

4 A. I can't remember saying that either.

5 Q. Okay. Would that be typical of your language?

6 A. Sometimes, yeah.

7 Q. Okay. And let me ask you, sir: You have been a  
8 confidential informant at least three times where you were  
9 signed up by TPD; correct?

10 A. Right.

11 Q. Once in 1995?

12 A. Right.

13 Q. As a result of what, drug activity?

14 A. Yeah.

15 Q. Once again in 1997 with TPD?

16 A. Right.

17 Q. Now, on either one of those cases, Jeff Henderson was not  
18 involved; right?

19 A. No, not none of those, no.

20 Q. He wasn't your handler?

21 A. No.

22 Q. Okay. Now, he was on the force in 1995. Did you know him?

23 A. No.

24 Q. Okay. Didn't have anything to do with that?

25 A. Henderson?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1214

1 Q. Uh-huh.

2 A. No.

3 Q. In 2007 you signed up again, and we saw that just a moment  
4 ago in government's exhibit number 6; right?

5 A. Yes, sir.

6 Q. Okay. And as a result of that, you gave up 17 to 18 of  
7 your own suppliers; correct?

8 A. Yes, sir, I did.

9 Q. And all of that was legitimate police work giving those  
10 people up; correct? You were working off your charges?

11 A. I guess it was.

12 Q. Okay. That's what you told the grand jury, isn't it?

13 A. Yeah.

14 Q. And you told the Office of Inspector General that you set  
15 up Dave -- David at Custom Wheels & Tires?

16 A. Right.

17 Q. And that was for meth; right?

18 A. Right. He kept it at his shop, yeah.

19 Q. Yeah. And Dennis Grant?

20 A. Yeah.

21 Q. That was for meth?

22 A. Uh-huh.

23 Q. And Kyle Isaacs?

24 A. Kyle Isaacs.

25 Q. That was for meth too, wasn't it?



RYAN LOGSDON - CROSS (By Mr. Wyatt)

1215

1 A. Yeah.

2 Q. Byron, do you remember Byron?

3 A. Yeah.

4 Q. Now, Byron was for cocaine; right?

5 A. Yeah.

6 Q. But you don't deal in cocaine?

7 A. No. actually, I was in the house and I saw it and I

8 relayed the information to Henderson.

9 Q. You know cocaine when you see it?

10 A. Well, yeah. It appeared to be. That's what I thought it

11 was.

12 Q. Do you know crack cocaine when you see it?

13 A. Yeah.

14 Q. Do you know weed when you see it?

15 A. Yeah.

16 Q. Do you know weed when you smell it?

17 A. Yeah.

18 Q. Okay. Any other drugs you're familiar with?

19 A. Meth.

20 Q. Heroin?

21 A. Heroin. A little bit of heroin, yeah.

22 Q. In fact, you were busted for heroin once; right?

23 A. Yeah.

24 Q. Okay. You didn't mention that to the jury when you told

25 them earlier about your convictions?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1216

1 A. I forgot to.

2 Q. Now, in addition to Byron, also Jonathan Cherry?

3 A. I guess -- I don't know Jonathan Cherry. I guess Byron,  
4 from what I was told, rolled over on him, so maybe I got credit  
5 for it. I don't know.

6 Q. Okay. Now, I'm going to again ask you: You read the OIG  
7 report?

8 A. Yeah, I remember reading it, yeah.

9 Q. And in that report it says that you told them that Jonathan  
10 Cherry was one of the people you gave up; is that correct?

11 A. I don't remember actually telling them that. I remember  
12 that it rolled over to him.

13 Q. Okay. That was with Byron and the cocaine; right?

14 A. Right.

15 Q. Okay. Rodolfo Cruise Amador? Actually, "Cruise" was his  
16 nickname, I guess, his street name?

17 A. His name was Cruise, yeah.

18 Q. Okay. And that was cocaine; right?

19 A. No, I saw the cocaine -- I saw crack and weed in his  
20 apartment but I went there to buy meth, like I told the jury  
21 earlier.

22 Q. Okay. So he was involved in all three then?

23 A. Yeah.

24 Q. He was busted for crack and weed; correct?

25 A. Right.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1217

1 Q. And weed's marijuana; right?

2 A. Yeah.

3 Q. Jerry Hill?

4 A. I saw weed in his house. I was just there for five minutes  
5 one night and I saw it there.

6 Q. And he was arrested for meth though; right?

7 A. I thought it was just weed.

8 Q. Okay. Dustin Eaton?

9 A. Dustin Eastom?

10 Q. Eaton. E-A-T-O-N, I believe it was.

11 A. No, I didn't give information on him.

12 Q. Okay. Well, would you like to see the --

13 A. I saw that on there. I've already pointed that out to the  
14 FBI that I didn't do that guy.

15 Q. Okay. So you told them that you weren't involved in that  
16 one at all?

17 A. Right.

18 Q. Did you ever see a supplemental report that corrected that?

19 A. No.

20 Q. Okay. You also told them three or more Mexicans or people  
21 of Mexican descent; is that correct?

22 A. Right.

23 Q. And you didn't know their names but it was for all  
24 different kinds of drugs; right?

25 A. They might have gave me their name but I don't know if that

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1218

1 was their real name or not.

2 Q. And also Chris, whose last name you didn't know, who was  
3 involved in cocaine distribution; right?

4 A. Well, yeah, he told me he could give me some meth, and when  
5 I went to his house to get the meth he had coke there and some  
6 assault rifles, yeah.

7 Q. And you agree that you legitimately informed on all of  
8 those people?

9 A. Except for the --

10 Q. Except Eaton or Eastom?

11 A. Dustin Eastom. And Cherry, Jonathan Cherry, that rolled  
12 over. Like I said, that was something Byron did. I didn't do  
13 that one. I might have got credit for it. I don't know.

14 Q. Because Byron rolled on somebody --

15 A. His supplier.

16 Q. -- after he rolled on him --

17 A. Right.

18 Q. -- and you got credit?

19 A. I guess so.

20 THE DEPUTY COURT CLERK: Can you wait for like two  
21 seconds before you answer?

22 THE WITNESS: Sure.

23 MR. WYATT: I'm sorry.

24 Q. (BY MR. WYATT) If Brandon McFadden sent an e-mail or a  
25 statement or some kind of writing which has come into this

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1219

1 court, exhibit number 185, to Jan Reincke stating that you  
2 worked on the Avery Brewer case, that would be true; right?  
3 A. Yes.  
4 Q. The Larry Barnes case; right?  
5 A. I didn't -- well, I lied.  
6 Q. Many Mexicans?  
7 A. Yes.  
8 Q. Jerry Hill and Stephanie Crawford?  
9 A. Yes.  
10 Q. You know Stephanie Crawford too, don't you?  
11 A. I don't know her.  
12 Q. But you know who she is?  
13 A. I know of her.  
14 Q. Jerry Hill's girlfriend?  
15 A. I guess she was at that time. I don't know.  
16 Q. Brian Cole Williams?  
17 A. Brian Cole Williams?  
18 Q. Don't recognize that name?  
19 A. No.  
20 Q. Okay. Isias Gonzalez?  
21 A. Isias Gonzalez? (WITNESS SHAKES HEAD FROM SIDE TO SIDE)  
22 Q. Juan Mata, M-A-T-A?  
23 A. No, I wasn't with Juan Mata.  
24 Q. Arias Nelson?  
25 A. I would have to see their faces.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1220

1 Q. Kyle Isaacs?

2 A. I know Kyle Isaacs, yeah.

3 Q. Okay. You informed on him?

4 A. Yeah.

5 Q. You already talked about Rodolfo Amador?

6 A. Yeah.

7 Q. Alphie McKinney?

8 A. No.

9 Q. No? Okay. Jeremy Battle?

10 A. No.

11 Q. And if he said you were involved in 30 to 40 other cases,

12 would that be true or false?

13 A. 30 to 40 other ones?

14 Q. Yes.

15 A. No, that wouldn't be true, sir.

16 Q. Okay. Now, earlier in your testimony today, dealing with

17 the January 23rd, 2007, search warrant, the first time you met

18 Henderson and McFadden; correct?

19 A. Yes, sir.

20 Q. You testified that they pulled you over on a traffic stop?

21 A. Leaving the house.

22 Q. You, your wife and your son?

23 A. Right.

24 Q. Correct?

25 And that during the traffic stop -- How long was that

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1221

1 stop? Let's start with that?

2 A. How long was the stop?

3 Q. Yes, sir.

4 A. Long enough for them to turn lights on, pull me over, get  
5 me out of the car, patted me down, Henderson patted my girl  
6 down, hopped back in the car. 10 minutes.

7 Q. Okay. And where did this take place in relation to your  
8 house?

9 A. I live on 76th. I pulled over at about 74th, the 73rd  
10 area. Probably three or four blocks, five blocks from the  
11 house.

12 Q. Were you driving?

13 A. Yes.

14 Q. PT Cruiser?

15 A. Yes.

16 Q. Okay. Silver?

17 A. Silver.

18 Q. Did you exit the car to be patted down and searched?

19 A. He opened the car door and had me step out; yes.

20 Q. And your girlfriend, Deanna, stepped out?

21 A. She stayed in the car.

22 Q. Okay. So Mr. Henderson patted her down while she's seated  
23 in the car?

24 A. I'm getting to that. He patted me down, placed me in  
25 handcuffs, and then he went over there and opened the door and

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1222

1 got her out.

2 Q. Okay.

3 A. Left my son in the car.

4 Q. Okay. Now, when you were placed in handcuffs, then what  
5 happened to you?

6 A. I was placed in the front seat of Henderson's car.

7 Q. Okay. And at what point in this scenario did Mr. Henderson  
8 tell you he had a search warrant for your house?

9 A. Well, right when he got me out of the car he handed me a  
10 warrant, right before he patted me down. I was reading it. I  
11 looked at it and I put my hands on the car, he patted me down,  
12 and then he handcuffed me in the front because I've got a bad  
13 shoulder and he handcuffed me in the front. And as I'm sitting  
14 in the car, I'm reading the search warrant that said cocaine on  
15 it.

16 Q. And you told him you had a bad shoulder?

17 A. Yeah, that's why I asked him not to handcuff me in the  
18 back.

19 Q. And he did that?

20 A. Yes.

21 Q. He was professional and courteous about that?

22 A. At first, yeah.

23 Q. Okay. Now, at your deposition that was given in the last  
24 90 days, you said you didn't learn about the search warrant  
25 until you got back to your house; isn't that correct?



RYAN LOGSDON - CROSS (By Mr. Wyatt)

1223

1 A. I guess. Is that what I said?

2 Q. I believe it is; yes, sir. You don't deny that, do you?

3 A. No, I don't deny that, no.

4 Q. That would be different from your testimony today, isn't  
5 it?

6 A. Yeah.

7 Q. Now, we saw government's exhibit 11-c.

8 MR. WYATT: May we have that, the handwritten  
9 statement? 11-c.

10 Q. (BY MR. WYATT) Can you see that on the screen, sir?

11 A. Yes.

12 Q. Now, today is the first time you've given a statement that  
13 this was a blank page that you just signed at the bottom; isn't  
14 that correct?

15 A. Yeah, I believe this is the first time I've gave a  
16 statement, yeah.

17 Q. In all previous statements regarding this particular  
18 document, you've said that you just didn't read it but you  
19 signed it.

20 A. This paper I signed.

21 Q. I understand that, sir.

22 A. I signed that before it was filled out, the night Henderson  
23 ran the warrant on my house.

24 Q. That's your testimony today?

25 A. Yeah.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1224

1 Q. In previous testimony with the grand jury, you never told  
2 them that; isn't that correct?

3 A. I can't remember.

4 Q. Well, I'll direct you to page 24 and 39 of the transcript,  
5 if we need to.

6 A. That's fine.

7 Q. You never told them that, did you?

8 A. I can't remember.

9 MR. WYATT: May we see the transcript, please? Oh,  
10 I've got it.

11 May I approach, Your Honor?

12 THE COURT: Yes.

13 Q. (BY MR. WYATT) Would you take a moment and just read from  
14 about, let's say, line 10 down through that page and part of  
15 the next page. Read it to yourself.

16 A. Yeah, I signed this when it was blank.

17 Q. Okay. I want you to go ahead and read the next page on  
18 page 25, just the top of the page.

19 I want to take you over to page 39 of the transcript,  
20 starting at about line 10 -- excuse me -- it's around line 19.

21 A. All right.

22 Q. Just read the top of the next page, page 40.

23 THE DEPUTY COURT CLERK: Would you pull the mic over  
24 just a little bit so we can hear you?

25 THE COURT: And speak loudly.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1225

1 THE DEPUTY COURT CLERK: For Mr. Wyatt.

2 MR. WYATT: Yes, I asked that he turn the page to page  
3 40, the top of the page.

4 Q. (BY MR. WYATT) Have you read that, sir?

5 A. Yes.

6 Q. Having read those pages of the grand jury transcript, you  
7 would agree with me that there was nothing said to the grand  
8 jury about that being a blank statement, was there?

9 A. Right.

10 Q. And in the OIG report, the 22-page report prepared by  
11 Rachel Hart with the Office of Inspector General, you talked  
12 about this particular statement too, didn't you?

13 A. Right.

14 Q. And there's nothing in that report that says that it was  
15 blank when you signed it?

16 A. Right.

17 Q. Now, in addition to that, you testified at a trial for  
18 Larry and Larita Barnes, didn't you?

19 A. Yes.

20 Q. And at page 207 of that transcript there was discussion  
21 about that particular handwritten statement, wasn't there?

22 A. Yeah, it come up again, yeah.

23 Q. It did. And this was a couple of years ago, wasn't it?

24 A. A couple of years? Yes.

25 Q. Actually, I believe it was April 21st of 2008, maybe April

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1226

1 22nd of 2008.

2 A. Somewhere around there.

3 Q. Okay. And in that transcript you were shown the statement,  
4 and you didn't tell the jury, "I signed that in blank," did  
5 you?

6 A. I can't remember. I might have. I don't know. I know I  
7 signed that when it was blank.

8 Q. Okay.

9 MR. WYATT: Could we see government's exhibit number  
10 30 at page 207, please. Actually, I stand corrected. It's  
11 page 205.

12 Q. (BY MR. WYATT) Can you see that on the screen, sir?

13 A. Yeah.

14 Q. Let's go down to the bottom of that page. That would be  
15 line 17. And there was discussion about the \$10,000 concealed  
16 in your garage attic, wasn't there?

17 A. There was 60,000 there. There wasn't 10-.

18 Q. Well, I understand that. That's not my question. My  
19 question is: At the trial of Larry and Larita Barnes at page  
20 205 of the transcript, beginning at line 18, there's a  
21 discussion about money concealed in your attic; isn't that  
22 correct?

23 A. Right.

24 Q. And you said that there was \$10,000 when asked the  
25 question: "And how much money was it?"

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1227

1 A. Right.

2 Q. And you said: "10,000 even."

3 A. Okay.

4 Q. Is that right?

5 A. That's right.

6 Q. And it says -- the next question was, line 24: "And was  
7 that \$10,000 of profit from drug dealing?"

8 And the answer: "Yes it was."

9 Is that correct?

10 A. That's correct.

11 Q. And then we go to the next page, page 206, beginning at the  
12 top line, the question was asked of you: "And did you advise  
13 Officer Henderson of that?"

14 The answer: "Yes, I did."

15 Is that right?

16 A. That's right.

17 Q. Okay. Now, during that conversation did you tell the jury  
18 anything about that statement being signed in blank?

19 A. You've got to understand the Barnes trial was all a  
20 lie. The only thing I didn't lie about was my name.

21 Q. That's my question, sir, is: Did you tell the jury  
22 anything about that document being signed in blank?

23 A. I must have but everything was made up in that trial. Some  
24 of this stuff I wasn't coached on, and some of the things I was  
25 coached on, you know.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1228

1 Q. And both the prosecutor and the defense attorney asked you  
2 questions about exhibit 11-c?

3 A. Yeah.

4 Q. Right?

5 A. Right.

6 Q. Okay. And you were under oath on April 22nd, 2008, at the  
7 Barnes trial when you testified; is that correct?

8 A. Yes, sir.

9 Q. And was that the same oath given to you today before your  
10 testimony?

11 A. Yes.

12 Q. The same oath that you took during the three depositions  
13 with Anthony Allen?

14 A. Yes.

15 Q. And at the time you took that oath in each of those  
16 occasions, including today, you understood that it was your  
17 lawful obligation to tell the truth?

18 A. Right.

19 Q. You understood that telling a lie while under oath in a  
20 court proceeding is a crime?

21 A. Right.

22 Q. You understood that that's called perjury?

23 A. Yes, sir.

24 Q. And it is punishable as either a state or federal offense  
25 depending where it occurred?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1229

1 A. Right.

2 Q. And you did that knowingly and voluntarily?

3 A. Yes.

4 Q. Of your own free will?

5 A. Yes.

6 Q. Now, I want to turn again to 207 of government's exhibit

7 30. At the top of that page, beginning at line 3, again, you

8 were specifically asked about that handwritten statement that

9 is government's exhibit 11-c. Isn't that correct?

10 A. Yes.

11 Q. And you told the story -- and this is you talking; right?

12 A. Yes.

13 Q. This is you giving answers?

14 A. Right.

15 Q. You said: "The statement here I gave them at my house, I

16 remember him and I was sitting at my kitchen table."

17 Did you say that, sir?

18 A. This is in front of the grand jury; right?

19 Q. No, this is in front of the Barnes trial, in front of the

20 jury.

21 A. I told you the Barnes trial was a lie.

22 Q. Did you say those words?

23 A. I must have.

24 Q. And then it says in line 7: "And did you write that, did

25 you?" Or it says: "And you didn't write that, did you?"

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1230

1 And you said: "No, he did," referring to Mr. Henderson;  
2 correct?

3 A. Yes, sir.

4 Q. And then they asked you the question on line 9: "Did you  
5 tell him what to write?"

6 And your answer was: "Well, he was -- yeah, basically I  
7 told him." Is that right?

8 A. That's right.

9 Q. Line 15 says: "Have you had an opportunity to read this  
10 statement?" Is that right?

11 A. That's right.

12 Q. And you said, "Yes."

13 Line 17: And did you sign this statement?"

14 The answer at line 18: "Yes, I did."

15 The question at line 19: "And is that your signature?"

16 The answer: "Yes, sir."

17 The question at line 21: "And is everything in that  
18 statement true?"

19 Answer: "Yes."

20 The question: "Accurate?"

21 Answer, 24: "Accurate."

22 Is that right?

23 A. Yes.

24 Q. Give me just a moment. I'll set this aside for a moment.

25 Now, how did you come up with the \$10,000 figure at the



RYAN LOGSDON - CROSS (By Mr. Wyatt)

1231

1 Barnes trial?

2 A. It was off the top of my head.

3 Q. Just something you made up, wasn't it?

4 A. The whole trial was made up, sir.

5 Q. Okay. So the \$10,000 wasn't based upon anything you had  
6 read; you just pulled it out of thin air. Isn't that right?

7 A. Like I said, there was some questions I was coached on and  
8 there was some questions I wasn't coached on.

9 Q. Okay. And, in fact, in the deposition with Mr. Allen,  
10 just, what, in the last 30 or 40 days, you said, "I just made  
11 it up, just came up with that figure."

12 A. I gave you the same answer I gave him.

13 Q. Okay. Now, at the grand jury, you told the grand jurors  
14 that you've seen that statement before but you just didn't read  
15 it; isn't that right?

16 A. It seems like -- I've got a lot of paperwork over the  
17 years and I might have got it confused with something else. I  
18 don't know.

19 Q. Well, I showed you the transcript just a minute ago --

20 A. Right.

21 Q. -- and read page 24. And at page 24 you said you had seen  
22 it but that you just didn't read it.

23 A. In front of the grand jury?

24 Q. Correct.

25 A. Right.

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1232

- 1 Q. And then at page 39 you told the grand jurors, when one of  
2 the ladies asked you or one of the gentlemen, I'm not sure  
3 which it was, one of the grand jurors asked you the question:  
4 "Mr. Logsdon, are you in the routine of signing documents you  
5 haven't read?" And you said: "No, but I didn't read that  
6 one." Right?
- 7 A. Right.
- 8 Q. But you didn't tell them it was blank?
- 9 A. Right. I forgot to tell them it was blank when I signed  
10 it. That's all I did.
- 11 Q. Kind of a big fact you left out, isn't it?
- 12 A. I guess so.
- 13 Q. Now, you told the grand jury that the amount of meth taken  
14 from your house was two pounds; correct?
- 15 A. Right.
- 16 Q. Okay. And two pounds is just under a kilo; is that right?
- 17 A. Around there.
- 18 Q. A kilo is 2.2 pounds; right?
- 19 A. Right.
- 20 Q. And you know that from your business; correct?
- 21 A. Right.
- 22 Q. You can calculate metric figures; right?
- 23 A. Right.
- 24 Q. And a thousand grams is in a kilo?
- 25 A. I guess. I never weighed it like that.

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1233

1 Q. Okay. So you don't know that a thousand grams makes up a  
2 kilogram?

3 A. I never looked at it like that. I always seen on the scale  
4 2.2, a little over two pounds, you know.

5 Q. And you told this grand jury that the amount of  
6 methamphetamine turned in on January 27th -- excuse me -- after  
7 this search on January 23rd, 2007, was around, what, 1,147  
8 grams, something like that?

9 A. Somewhere around there, yeah.

10 Q. Okay. So that would be just over 2.2 -- or just over two  
11 pounds, wouldn't it?

12 A. What was checked in?

13 Q. Yes, sir.

14 A. Yeah.

15 Q. So the amount that you said was seized from your house was,  
16 in fact, turned in on the sheet; is that correct?

17 A. That's what it looked like, yeah.

18 MR. WYATT: Can you show 11-c, please, on the property  
19 receipt. Government's exhibit 11-c.

20 Q. (BY MR. WYATT) If you look there, about four lines down,  
21 it's being highlighted right now, it says, "1,147.56 grams of  
22 crystal substance."

23 A. Right.

24 Q. Is that correct?

25 A. Yes, sir.

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1234

1 Q. And you would agree that that would be the description of  
2 the items at your house that were seized on that day?

3 A. Does it say there that it was in three bags?

4 Q. There were more than three bags. There were three bags  
5 collected; yes, sir.

6 A. Okay.

7 Q. It says -- she just highlighted the number "3." Do you see  
8 that, under "Quantity"?

9 A. Yeah.

10 Q. Okay. So you agree with that; correct?

11 A. Yeah.

12 Q. So that's an accurate description of what was seized from  
13 your house; right?

14 A. Right.

15 Q. But a few minutes ago you told this jury that a month  
16 later, sometime in February of 2007, they brought to you, they  
17 being McFadden and Henderson, my client, Jeff Henderson, this  
18 gentleman right here --

19 A. Right.

20 Q. -- in the gray suit and blue shirt.

21 A. Yeah.

22 Q. You said that, "They brought me what was some of my own  
23 dope."

24 A. Looked like it.

25 Q. If they turned in 2. -- excuse me -- if they turned in

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1235

1 1,147 grams, which is more than two pounds, how is it they  
2 brought you the same dope back?

3 A. I don't know.

4 Q. Now, there's two or three different versions of your story  
5 with respect to the finding of the marijuana too, isn't there?

6 A. If there is, I don't know. What Officer Henderson says and  
7 what I say is probably two different stories, yeah.

8 Q. Well, today you told the grand jury that Officer Henderson  
9 found the marijuana; correct? Excuse me. You told this jury,  
10 not the grand jury.

11 A. Yeah.

12 Q. Okay. I mean, I want to be sure I didn't mistake that. Am  
13 I accurate?

14 A. You're right, sir.

15 Q. Okay. Now, in previous testimony, either testimony with  
16 the grand jury, or in statements to the Office of Inspector  
17 General, you said that it was McFadden who found the marijuana,  
18 and not Henderson; isn't that correct?

19 A. I might have. I might have said that.

20 Q. Okay. So that's different from what you said today;  
21 correct?

22 A. Yeah.

23 Q. And in the Barnes trial, you actually said they found the  
24 meth first and you took them to the marijuana; isn't that  
25 correct?

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1236

- 1 A. The Barnes trial was a lie, sir.
- 2 Q. All I'm asking is: Did you say that?
- 3 A. I probably did.
- 4 Q. Okay. And you'll accept that as a fact? I can show you
- 5 the page if we need to.
- 6 A. No; you're fine.
- 7 Q. Okay. You don't dispute it?
- 8 A. No.
- 9 Q. Now, let's talk for a minute about the amount of money that
- 10 was at your house on October -- excuse me -- January 23rd,
- 11 2007.
- 12 A. Sure.
- 13 Q. You said that was \$60,000?
- 14 A. Right.
- 15 Q. But you've seen the receipt and we've talked about that and
- 16 all the different stories about that 10,000. That's different
- 17 from what you told the grand jury, that that was \$60,000, is
- 18 different from what you told Rob Raley and what's on that
- 19 report, correct, the handwritten statement?
- 20 A. Rob Raley?
- 21 Q. Rob Raley, the Assistant United States Attorney.
- 22 A. Right. everything I told Rob Raley was a lie.
- 23 Q. Okay.
- 24 A. That had to do with the Barneses; right?
- 25 Q. Yes, sir.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1237

1 A. Okay.

2 Q. And the first time that you decided that maybe some of your  
3 dope was missing from that particular search was when J.J. Gray  
4 told you that; is that right?

5 A. Yeah, J.J. Gray mentioned it to me, yeah.

6 Q. But prior to that, you didn't believe that to be true, did  
7 you?

8 A. What's that?

9 Q. That any of the dope was missing, because it was all turned  
10 in.

11 A. I was too worried about getting myself out of trouble and  
12 not losing my child.

13 Q. Okay. Now, let's go, for a moment, to TCC.

14 A. Sure.

15 Q. Do you remember talking about Tulsa County -- is it  
16 community college?

17 A. Yeah.

18 Q. Okay. You said that you met a person there. Who was that  
19 person?

20 A. A black female.

21 Q. Okay. Do you know her today?

22 A. I know of her.

23 Q. Okay. Don't know her name?

24 A. Rochelle Martin is her name.

25 Q. Did you speak to her?

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1238

1 A. I never have spoken to her ever. Never said one word to  
2 her.

3 Q. Now, you told this grand jury today that you paid, what was  
4 it, \$5,000?

5 A. Yeah, somewhere around there.

6 Q. And that was for 10 ounces?

7 A. 10 ounces of meth, yeah.

8 Q. Okay. And would it be fair to say that you told the Office  
9 of Inspector General that it was six to 12 ounces and the cost  
10 was 2- to \$3,000?

11 A. It was somewhere around there. I did a lot of business and  
12 I might have got my numbers mixed up. I did a lot of business  
13 in that time period with a lot of people.

14 Q. Okay.

15 A. Yeah.

16 Q. But this is business we're talking about with Officer  
17 Henderson?

18 A. Right, right, the one he directed me to go get.

19 Q. Okay.

20 A. Yeah.

21 Q. And this is important because you're testifying to this  
22 under oath today; right?

23 A. That's right. It's real important.

24 Q. And when you met with the Office of Inspector General, you  
25 were giving them information to prosecute Mr. Henderson; right?



## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1239

1 A. Right, right.

2 Q. Because of all the wrongs he did to you?

3 A. Right.

4 Q. So you wanted to be right when you did that; right?

5 A. Right.

6 Q. You wanted that information to be accurate?

7 A. Right.

8 Q. And, in fact, after the 22-page report was prepared, it was  
9 presented to you for you to examine and determine if there was  
10 anything wrong; is that correct?

11 A. That's right. But like I said, there was a lot of things  
12 that went on in that time period. I was as close as I could  
13 get, the best I could do on that, okay?

14 Q. Well, let me ask you: When you read that report and you  
15 saw that it said six to 12 ounces of meth -- and that's on page  
16 17 of the OIG report -- and you said it cost 2,000 to \$3,000 --  
17 and that's on page 17 --

18 A. Right.

19 Q. -- did you tell them, "That's wrong, it was really 10  
20 ounces and it was 4- to \$5,000"?

21 A. I knew it was close, sir. Like I said, I did the best I  
22 could on it.

23 Q. For purposes of your testimony, is close good enough?

24 A. That's the best I can do.

25 Q. Okay. Now, I believe I heard you tell this jury that you

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1240

1 got in Rochelle Martin's car; is that right?

2 A. Yes.

3 Q. Did you sit down?

4 A. Sat down in the car seat.

5 Q. Close the door?

6 A. Not all the way.

7 Q. What time of year was it?

8 A. Oh, I'm going to say it was, what, spring.

9 Q. Was it hot, was it cold?

10 A. It wasn't hot, it wasn't cold. It was nice outside.

11 Around the April, May area of '07.

12 Q. Tell me, when you pulled into the TCC parking lot,

13 describe, as you approach, what's going on on this particular

14 deal. Give me as much detail as you can.

15 A. Like I said, Officer Henderson told me to call this -- or

16 he called me and told me to go meet with this girl, and so I

17 got my cash together, I went to TCC on Harvard, north Harvard,

18 I pulled in the parking lot, there was a few cars, and I'm

19 looking for the blue Chrysler.

20 Q. What time of day is this?

21 A. Oh, 5, 6 o'clock area, right before dark.

22 Q. Is it a busy time at the college?

23 A. There was a few cars there. There wasn't a whole lot. I

24 remember.

25 Q. Was school going on?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1241

1 A. I don't know. I didn't go inside.  
2 Q. I understand. I apologize.  
3 A. I mean, it could have been. Could have been.  
4 Q. Let me rephrase that. Was it at a time when college is in  
5 regular session?  
6 A. It could have been. Night classes, maybe? I don't know.  
7 Q. Okay. There was just a few cars in the parking lot?  
8 A. Right. And I find the car, I find the blue Chrysler.  
9 Q. Was it just out in the open?  
10 A. Yeah, it was out on the west side of the college, closest  
11 to Harvard.  
12 Q. So is it fair to say, from what you're describing, that  
13 Rochelle Martin was already parked and present?  
14 A. Right, right.  
15 Q. All right. And what did you see when you saw her?  
16 Describe what you saw.  
17 A. When I pulled up next to her car, I look over and I see  
18 McFadden sitting about five, six, seven car parking spots down  
19 with his window halfway down and I saw his face. I just looked  
20 at him and I looked away. I got out of my car; got in the  
21 passenger seat of her car and just almost shut the door, but  
22 not all the way; I looked at her and she looked down at the  
23 floor; and I stuck the money right there in the console; then I  
24 looked at her again and I grabbed the Doritos bag, and I left  
25 and went home.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1242

1 Q. Can you tell me, how was your money packaged?

2 A. In thousand dollar stacks.

3 Q. Okay. Was it just rubber-banded?

4 A. It had like five stacks of 1,000, five stacks, and then I  
5 had a rubber band around it.

6 Q. Was it flat or was it rolled into a ball?

7 A. It was flat and the money was folded over.

8 Q. So you just take a dollar bill, got a rubber band around  
9 the middle of it, --

10 A. Fold it once. There you go.

11 Q. Fold it once?

12 A. Yeah. Right there. Yeah.

13 Q. Anything unique about the way that's folded?

14 A. No.

15 Q. Is that the way you always fold your money?

16 A. Yeah.

17 Q. Pardon me?

18 A. Yeah.

19 Q. Was the money contained in a sack?

20 A. No.

21 Q. Or did you just lay \$5,000 down in the car?

22 A. I sat it right there on the console of the car. Didn't say  
23 a word.

24 Q. And picked up your --

25 A. Picked up the package --

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1243

1 Q. -- bag of meth and left?

2 A. -- and left.

3 Q. Okay. Did you even look in the bag while you were sitting  
4 there?

5 A. No.

6 Q. Did you see what she did with the money?

7 A. No.

8 Q. And that was five \$1,000 stacks of bills?

9 A. Seemed like it was five, yeah.

10 Q. Now, if Rochelle Martin said that the money was in a brown  
11 paper sack, that would be inconsistent with your testimony,  
12 wouldn't it?

13 A. That would be inconsistent, sir. I don't remember putting  
14 that money in a brown paper sack that day. But I did meet up  
15 with her and get meth from her under the direction from Officer  
16 Henderson.

17 Q. If Rochelle Martin says that the meth was in a brown paper  
18 sack, would that be inconsistent with your testimony today?

19 A. I guess it would be.

20 Q. Because you said it was in a Doritos bag.

21 A. Are you talking about the dope?

22 Q. Yes, sir.

23 A. The dope was in a Doritos bag. I thought you was talking  
24 about the money.

25 Q. Well, I'm asking you: If Rochelle Martin said that the

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1244

1   dope, the meth, was in a brown paper sack, you would disagree  
2   with that?

3           MR. HARRIS: I object. I don't think she said it was  
4   in a brown paper sack.

5           THE COURT: She did say it was in a Doritos bag, I  
6   believe. I don't remember the sack.

7           MR. WYATT: Very well. We'll let the jury remember,  
8   sir.

9           THE COURT: Yes, sir. That's why we have 12 of them.

10          MR. WYATT: Pardon me.

11   Q. (BY MR. WYATT) Now, we want to take you, sir, to 50 pounds  
12   of marijuana delivered to your house.

13   A. Right.

14   Q. Okay. You said that Agent McFadden brought to you 50  
15   pounds of marijuana in a bale wrapped in electrical tape;  
16   correct?

17   A. Yeah, electrical tape, yeah.

18   Q. And that's one bale; correct?

19   A. Right.

20   Q. And you paid \$10,000 for that marijuana?

21   A. Right.

22   Q. What's that marijuana valued at?

23   A. I don't know. I haven't sold marijuana in so long, so I  
24   don't know.

25   Q. More or less than 10,000?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1245

- 1 A. Oh, I imagine more.
- 2 Q. Double, 20,000?
- 3 A. Yeah, yeah.
- 4 Q. Okay. And you took time to even break that down and look
- 5 at it -- excuse me -- break it down from the bale to littler
- 6 bags for distribution?
- 7 A. Right, right.
- 8 Q. You said you spent about three hours that night breaking it
- 9 down and then you put all the little bags in a big trash bag?
- 10 A. Right. I weighed it up in one-pound packages.
- 11 Q. One-pound packages?
- 12 A. Put it in a big trash bag, yeah.
- 13 Q. And when that comes to you in that brick like that, it's
- 14 heavily compacted; correct?
- 15 A. It was, yes.
- 16 Q. Okay. I mean, you have to get something out to break it.
- 17 You're not even just breaking it with your hands, are you?
- 18 A. I had to use a long screwdriver to break it apart.
- 19 Q. And then do you loosen it up or keep it in littler bricks?
- 20 A. Keep it in littler bricks, yeah.
- 21 Q. Okay. So, as much as you can, you try to keep it in a
- 22 little brick?
- 23 A. Right.
- 24 Q. Okay. But you weighed it out into one-pound baggies?
- 25 A. Right.

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1246

1 Q. Now, if Agent McFadden told this jury that he delivered to  
2 you two bales at about 24 pounds each, that would be  
3 inconsistent with your testimony, wouldn't it?

4 A. Yeah.

5 Q. Now, you said also, you told this jury that you had -- you  
6 had this weed in your house, you've just broken it down, --

7 A. Right.

8 Q. -- and Lance Ramsey, this Tulsa County sheriff's deputy, --

9 A. Right.

10 Q. -- was outside your front yard, parked outside, watching  
11 you?

12 A. Right.

13 Q. You got nervous; correct?

14 A. Yes, sir.

15 Q. About 3 o'clock in the morning you went and threw the baggy  
16 in a ditch?

17 A. Yes.

18 Q. When I say "baggy," we're talking about a trash bag?

19 A. That would be a trash bag, yeah.

20 Q. Black trash bag?

21 A. Yeah, it was black, yeah.

22 Q. Threw it in the ditch. You were going to go back and get  
23 it; right?

24 A. I was going to, yeah, but --

25 Q. It was gone when you got back there?



RYAN LOGSDON - CROSS (By Mr. Wyatt)

1247

1 A. Yeah.

2 Q. Now, if Agent McFadden, Brandon McFadden, told this jury  
3 that you had had the marijuana stored in an air conditioner at  
4 Steve's and it was stolen, that would be false, wouldn't it?

5 A. Well, see, I made that up because I didn't want McFadden  
6 knowing that I lost it.

7 Q. I see.

8 A. I just went ahead and paid him.

9 Q. Now, at this deposition that you gave not too long ago to  
10 Anthony Allen, --

11 A. Yes.

12 Q. -- you said that Jeff Henderson was not involved in that  
13 marijuana transaction; isn't that correct?

14 A. Not that I know of.

15 Q. Okay. And you said that you didn't -- that Jeff Henderson  
16 didn't deliver you any marijuana; correct?

17 A. No.

18 Q. He didn't -- He didn't -- You didn't hand Jeff Henderson  
19 any of that \$10,000; correct?

20 A. No.

21 Q. I want to talk to you very briefly about Rodolfo Amador.

22 A. Sure.

23 Q. His name was Cruise, that's his street name; right?

24 A. Cruise, yeah.

25 Q. What's your street name?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1248

- 1 A. Never had one.
- 2 Q. You told McFadden about Amador; correct?
- 3 A. Yeah, I mentioned it him to, yeah.
- 4 Q. Because that was after you started working for Brandon
- 5 because you had already worked off everything for Jeff and he
- 6 told you why don't you start working with Brandon at this
- 7 point?
- 8 A. No; I gave Amador to Henderson.
- 9 Q. Okay.
- 10 A. I showed Henderson and Frank Khalil one day where he lived.
- 11 Q. So you took him to their house? {sic}
- 12 A. Took them to his apartment.
- 13 Q. Apartment?
- 14 A. Uh-huh.
- 15 Q. And you got in the car and rode with them?
- 16 A. Yeah; it was a brown Tahoe that Frank was driving.
- 17 Q. And when you would take them to places like this whenever
- 18 you would snatch someone, you would get in the car with them,
- 19 drive over and look at it; correct?
- 20 A. Point out the house or apartment, yeah.
- 21 Q. Okay. They might stop and look at it?
- 22 A. Yeah.
- 23 Q. Didn't get out?
- 24 A. No.
- 25 Q. They might slow down?

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1249

- 1 A. Right.
- 2 Q. Or they might just drive on buy if they thought somebody
- 3 might be matching?
- 4 A. Right.
- 5 Q. And that was routine with the 17 or 18 times that you did
- 6 this; correct?
- 7 A. Yeah, pretty close, yeah.
- 8 Q. And that was fairly normal with how you did those things?
- 9 A. Right.
- 10 Q. And you'd call them up and say, "Hey, guys, I've got this
- 11 information, and let me tell you about it"?
- 12 A. "Hey, guys, I've been doing business with this guy."
- 13 Q. And then the next day or that day, depending on what time
- 14 it was, y'all would hook up and get together; correct?
- 15 A. Uh-huh.
- 16 Q. And then usually one of the police vehicles, not your
- 17 vehicle, whether it's undercover or not, they would be in the
- 18 police vehicle; right?
- 19 A. Right.
- 20 Q. And those were usually an undercover vehicle, not a marked
- 21 unit; correct?
- 22 A. Right.
- 23 Q. And you would make sure that they had the accurate
- 24 information and give them as much knowledge and intelligence as
- 25 you could; correct?

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1250

1 A. Right, on the ones that I did give them.

2 Q. Okay. Yes, sir. That's what I'm talking about.

3 A. Yeah.

4 Q. Now, in particular, on Rodolfo Amador, isn't it fair to say  
5 that you told the Office of Inspector General that Henderson  
6 already knew about Rodolfo Amador when you gave him  
7 information?

8 A. Now, that's what Henderson had told me, but I don't know.  
9 I don't know. He said he had an informant that knew where he  
10 lived already, knew all that. Well, if that's the case, then  
11 why did I have to take him out there?

12 Q. Okay. But you understood that at the time that you were  
13 giving him that information; isn't that correct?

14 A. He told me -- He didn't tell me on that exact day. He  
15 told me a few days later.

16 Q. Okay. Now, in the memorandum prepared by the OIG, on page  
17 7, you told the OIG officer that, "Logsdon" -- that's you --  
18 "believed Henderson had a different confidential informant who  
19 was also providing information on Amador because Henderson  
20 already knew where Amador's apartment was." That's what you  
21 told them; isn't that correct?

22 A. That's what Henderson told me, yeah.

23 Q. That's what you told the inspector general?

24 A. Right, that's what I told them, but I didn't know for sure  
25 if he had one or not.

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1251

1 Q. All I'm asking you is that what you told the inspector  
2 general?

3 A. Yeah, I remember telling them something like that, yeah.

4 Q. So there were occasions where information that you provided  
5 was either confirming what Henderson already knew or Henderson  
6 had other confidential informants; isn't that correct?

7 A. From what he told me, yeah, but I didn't know for sure.

8 Q. Okay. But in this particular case, regarding Rodolfo  
9 Amador, you told the inspector general that you believed that  
10 Henderson had a different confidential informant?

11 A. I told them, yes, I did.

12 Q. And you read this report and did not correct that or make  
13 any changes to it?

14 A. Right.

15 Q. I apologize for backtracking. I try not to.

16 You know Lance Ramsey and you've talked about him?

17 A. Yeah.

18 Q. Did you try to set up a deal with Lance Ramsey to help Deb  
19 Clayton?

20 A. Yeah, I did.

21 Q. And you were trying to get her to set up a guy with half a  
22 kilo of cocaine; correct?

23 A. Right. She asked for some help and --

24 Q. And why was it that you thought you could help her with  
25 Lance Ramsey?

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1252

1 A. She asked for some help, she needed some help at that time,  
2 and I told her I would help her out.

3 Q. So did you make the call to Lance?

4 A. I made the call to Lance. I said, "I've got some  
5 people that" -- asked her {sic} if he knew Debra Clayton and he  
6 said, "Yeah," and I said, "She was wanting to know if you could  
7 help her with some charges if she done some things for you,"  
8 and he said, "Sure, give her my number."

9 Q. Did you have Lance Ramsey's phone number?

10 A. Yes.

11 Q. Cell phone?

12 A. Yes.

13 Q. How did you get that?

14 A. Lance Ramsey -- I got it from Lance Ramsey.

15 Q. When did he give it to you?

16 A. The summer, end of summer of '07 area, somewhere around  
17 there.

18 Q. Before or after you called him about knowledge of the  
19 search warrant?

20 A. Well, I called him in '08. I had it in '07.

21 Q. That's what I'm asking.

22 A. '07 sometime.

23 Q. Okay. Now, Larita Barnes was a longtime friend of yours?

24 A. Childhood friend.

25 Q. Known her since you were five or six years old; right?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1253

1 A. Yeah.

2 Q. Lived in the neighborhood?

3 A. Yes. Grew up together.

4 Q. And you knew her father, Larry?

5 A. Yes.

6 Q. Her brother, Larry?

7 A. Of them. Didn't know them personally, but I knew of them.

8 Q. Brother, Mike?

9 A. I never met -- I don't guess I ever met him.

10 Q. Sister, Kelie?

11 A. I know Kelie.

12 Q. Their mother, what was her name?

13 A. Linda.

14 Q. Linda?

15 A. Uh-huh.

16 Q. And you were familiar with all of them, generally?

17 A. Yeah.

18 Q. Knew where they lived?

19 A. Yeah.

20 Q. Been to their house?

21 A. Right.

22 Q. Been inside of their house?

23 A. Yeah.

24 Q. On more than one occasion?

25 A. They've had several houses too, though.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1254

1 Q. Yes, sir. Fair enough.

2 But you've been in a number of those houses over the years?

3 A. Yeah.

4 Q. Okay. And as a drug dealer, during your time as a drug  
5 dealer, you've been in their house; correct?

6 A. Right.

7 Q. And at those times that you went to Larry Barnes' house,  
8 Larita was living there; correct?

9 A. Some of those times, yeah, yeah.

10 Q. Okay. And during those times that you went there, there  
11 were times when you went there to buy dope or to sell dope;  
12 correct?

13 A. Right.

14 Q. Okay. Both?

15 A. Both, yeah.

16 Q. Okay. So sometimes they bought from you, sometimes you  
17 bought from them?

18 A. Well, I would buy from Larita and sometimes she would buy  
19 from me, yeah.

20 Q. Okay. And you described your relationship to the grand  
21 jury, your relationship with Larita Barnes, as being friendly  
22 competition; right?

23 A. Somewhat, yeah.

24 Q. You were competitors but if you needed --

25 A. Friends.



RYAN LOGSDON - CROSS (By Mr. Wyatt)

1255

- 1 Q. -- a little bit of stuff here or there, you could get it?
- 2 A. Mutually, yeah.
- 3 Q. You could get product any time you needed it?
- 4 A. From her, yeah.
- 5 Q. Before the Barnes trial, when was the last time you saw
- 6 Larita Barnes before the trial?
- 7 A. When was the last time I seen her?
- 8 Q. Yes, sir.
- 9 A. Probably at the end of '06.
- 10 Q. Okay. Anything unique about her at that time?
- 11 A. Pregnant, I believe. Yeah, she was.
- 12 Q. Pardon me?
- 13 A. Yeah, she was pregnant.
- 14 Q. And when in late '06 did you see her?
- 15 A. November, December area, somewhere around there. Late '06.
- 16 Q. Would you agree with me that you have made statements that
- 17 Larry Barnes didn't keep his meth at his house?
- 18 A. That's what I was told.
- 19 Q. You understood that to be true?
- 20 A. Well, yeah.
- 21 Q. You relied on that?
- 22 A. Well, yeah.
- 23 Q. He had a stash house?
- 24 A. He must have. I didn't ask him.
- 25 Q. And that's what we call it; right?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1256

1 A. Well, yeah, that's what they're called, yeah.

2 Q. They have a stash house and sometimes you have your money  
3 in a different location?

4 A. Right.

5 Q. And that's so that on occasions when somebody comes and  
6 serves a search warrant, you don't lose two pounds of meth and  
7 \$60,000; right?

8 A. Yeah; it depends on if they plant dope on you or not, yeah,  
9 yeah.

10 Q. Okay. Fair enough.

11 Did you have a stash house and a money house?

12 A. No.

13 Q. Okay. You just kept it all together?

14 A. Yeah.

15 Q. But it was your understanding that Larry kept it separate?

16 A. From my understanding.

17 Q. So if you made a deal with Larita, you would have to  
18 contact her in advance so that they could get the dope back to  
19 the house; correct?

20 A. Right.

21 Q. And Larry would get the dope and bring it back to Larita;  
22 is that right?

23 A. Yeah.

24 Q. That's your understanding of how it works?

25 A. That's my understanding, yeah.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1257

1 Q. And then Larita would be the one who dealt it to you?

2 A. Right.

3 Q. Now, when you talked with Assistant United States Attorney  
4 Rob Raley about your testimony that was anticipated in the  
5 Barnes case, you met with him, I think you said, three, maybe  
6 four times?

7 A. Two, three, four. Two or three times, something like that.

8 Q. How long do you think those meetings were?

9 A. Oh, an hour or two each time.

10 Q. How many meetings did you have with Brandon McFadden  
11 regarding that particular transaction or lack of transaction?

12 A. With Brandon McFadden?

13 Q. Yes, sir.

14 A. Alone?

15 Q. Yes, sir.

16 A. About the Barneses?

17 Q. Yes, sir.

18 A. There never was one time alone with the Barneses with  
19 McFadden. It was McFadden and Henderson and myself. We all  
20 met and talked about it, but not just me and Henderson alone,  
21 or me and McFadden alone. It was us three.

22 Q. Okay. Fair enough.

23 With there any times when you met privately regarding the  
24 Larry Barnes transaction just with Jeff Henderson?

25 A. Just the night that he said, "You just made the buy today,"

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1258

1 and I told him, "No, I didn't."

2 Q. So during these times you were being coached as to what to  
3 say, --

4 A. Yeah.

5 Q. -- you were in the presence of both Brandon McFadden and  
6 Jeff Henderson?

7 A. Right.

8 Q. Or Brandon McFadden, Jeff Henderson and Rob Raley?

9 A. With Rob Raley?

10 Q. Uh-huh.

11 A. He was asking me how it went down, and I would have to tell  
12 Rob Raley what these two officers told me to say.

13 Q. Okay. And during those two meetings, were the two officers  
14 present?

15 A. Yes.

16 Q. Okay. And were they correcting you and saying, "No, Ryan,  
17 that didn't happen; it was this way"?

18 A. Well, they done coached me enough, so I almost had it down,  
19 you know. Like I say, I almost had it down except for some of  
20 the questions that they didn't prepare me for that was asked  
21 during the trial that I had to come off the top of my head to  
22 answer.

23 Q. Like the \$10,000?

24 A. Right.

25 Q. Okay. Now, during those meetings that you had with both

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1259

1 Brandon McFadden and Jeff Henderson where they coached you on  
2 this, how many meetings were there?

3 A. Oh, three, four.

4 Q. How long were they?

5 A. A couple of hours each time.

6 Q. And where were you during these meetings?

7 A. We were riding around in a car in Tulsa.

8 Q. Were you in the front seat, back seat? Describe how it  
9 happened.

10 A. Sometimes I would be in front, sometimes I would be in the  
11 back.

12 Q. Okay. But always they were together?

13 A. Oh, yeah.

14 Q. Whose car were you riding around in?

15 A. Mostly McFadden's.

16 Q. Okay. So if there were three or four meetings two hours  
17 each, we're talking about six to eight hours --

18 A. Yeah.

19 Q. -- to get your story down; is that right?

20 A. Yeah, somewhere around there, yeah.

21 Q. Now, isn't it fair that you've said that this transaction  
22 that didn't happen, the fake transaction, --

23 A. Did not happen.

24 Q. -- isn't it fair to say that you told Henderson and  
25 McFadden that, "I can just make it up based on a previous

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1260

1 transaction from 2006"?

2 A. Well, they had told me, "Whenever you're explaining the buy  
3 in the trial, just put yourself in that position as before as  
4 if you was buying dope from them, when you did buy dope from  
5 them in the past," so I just put myself in that position in the  
6 courtroom that day when I testified.

7 Q. So the story that you described at the Barnes trial on  
8 April 22nd, 2008, that was a real drug deal that happened, just  
9 not on May 7th or 8th, 2007?

10 A. Right, right.

11 Q. It was a real drug deal that occurred in November or  
12 December of 2006?

13 A. Right, right.

14 Q. Okay. For purposes of the Larry Barnes transaction, it was  
15 your understanding that former ATF Agent Brandon McFadden  
16 actually got \$3,000 in ATF buy money; isn't that correct?

17 A. That's what I was told, yeah.

18 Q. And you saw forms and things like that that showed that,  
19 didn't you?

20 A. You know, I can't remember seeing them forms. Maybe I  
21 did. I just don't remember.

22 Q. All right. Now, did I hear you correctly today --  
23 actually, I guess I'll just ask you because I don't recall what  
24 you said.

25 You said that on this day -- I guess it was May 8th of

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1261

1 2007?

2 A. Yeah.

3 Q. Is that right?

4 A. The buy supposedly that happened?

5 Q. Yes, sir.

6 A. Yeah.

7 Q. That you were somewhere and Jeff called you. Tell us about  
8 the first call.

9 A. That day, I went to the casino that day, but the first call  
10 I got, I think I was at home, and he told me he was sitting on  
11 the Barnes house.

12 Q. What time was that call?

13 A. It was early in the morning, 9, 10 o'clock, somewhere  
14 around there. 8, 9, 10, somewhere around there.

15 Q. What number were you using at the time?

16 A. 378 was the first -- it's whatever number I had back then.  
17 I don't remember the number.

18 MR. WYATT: May I have a moment, Your Honor?

19 THE COURT: Yes.

20 Q. (BY MR. WYATT) Was it something like 378-0876?

21 A. It's somewhere around there. I couldn't remember. I've  
22 had several phones since then.

23 Q. But you know it started with 378?

24 A. Yeah, uh-huh.

25 Q. Fair enough.

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1262

1 Now, you said that would have been in the early morning, 9  
2 or 10 o'clock, is that what you said, or am I making that up?

3 A. Yeah, around in that area.

4 Q. Okay. And you said there was a later call in that day  
5 regarding this particular incident; is that right?

6 A. Right.

7 Q. And tell us what time that call was.

8 A. Oh, 5, 6, 7 o'clock area, somewhere around there. He asked  
9 me if I was home.

10 Q. All right. And was that call made to the same phone  
11 number?

12 A. I believe so.

13 Q. Did you have more than one phone at that time?

14 A. Yeah, I did. I had a couple of phones.

15 Q. Were they all burner phones?

16 A. Pretty much, yeah.

17 Q. Okay. And a burner phone, for the jury, is one that  
18 basically there's no records for it; right?

19 A. Right.

20 Q. Like a Cricket phone or something like that?

21 A. Right.

22 Q. So there's no call detail. It's just a phone and if  
23 anybody picks it up, if the feds or the police arrest you,  
24 seize you, --

25 A. Right.



RYAN LOGSDON - CROSS (By Mr. Wyatt)

1263

1 Q. -- they won't be able to track who all you've called or  
2 when or where; right?  
3 A. Right, right.  
4 Q. You routinely carried burner phones; right?  
5 A. Yeah.  
6 Q. You didn't have any other phones like AT&T or Sprint or  
7 something like that?  
8 A. No, no.  
9 Q. And you did that to protect yourself and your activities;  
10 right?  
11 A. Yeah.  
12 Q. Did you ever tell your childhood buddy, Gary Knox, that  
13 these events happened at midnight with the Barneses?  
14 A. That what happened at midnight?  
15 Q. These phone calls with Jeff Henderson.  
16 A. I don't remember telling him anything like that.  
17 Q. Okay. When you gave your testimony in the Barnes case, how  
18 did you get to the courthouse from your house?  
19 A. I think it might have been McFadden or Frank Khalil. I  
20 can't remember.  
21 Q. Some law enforcement officer?  
22 A. Yeah, it was law enforcement, yeah.  
23 Q. Correct?  
24 A. Yeah.  
25 Q. It wasn't Jeff Henderson, though, was it?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1264

- 1 A. I don't think so.
- 2 Q. In fact, would it be fair to state that it was federal
- 3 agents, it was U.S. marshals, or someone other than Brandon
- 4 McFadden?
- 5 A. I can't remember how I got there.
- 6 Q. But do you know it was --
- 7 A. Somebody from law enforcement.
- 8 Q. -- somebody with law enforcement?
- 9 A. Yeah.
- 10 Q. And did you have a particular time, like 9 in the morning,
- 11 you had to be there?
- 12 A. Something like that, yeah.
- 13 Q. Okay. Were they there early to pick you up?
- 14 A. Yeah.
- 15 Q. Plenty of time to get you from Turley back down to the
- 16 courthouse?
- 17 A. Yeah.
- 18 Q. You live in Turley still?
- 19 A. Yes.
- 20 Q. Same house?
- 21 A. Same house.
- 22 Q. How far is Turley from this courthouse?
- 23 A. Oh, 12, 13, 14 miles, something like that.
- 24 Q. So even in heavy traffic, we're talking about 20 minutes?
- 25 A. Yeah.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1265

1 Q. Okay. And you were here at the courthouse for your  
2 testimony?

3 A. Right.

4 Q. Did you sit with federal agents during that time -- I mean  
5 before you got on the witness stand?

6 A. Before I got on the witness stand?

7 Q. Yes, sir.

8 A. I sat in the witness room with Frank Khalil and Harold  
9 Wells.

10 Q. Okay. But you didn't have any conversations --

11 A. No.

12 Q. -- with Brandon McFadden or with Jeff Henderson during that  
13 trial?

14 A. No. Henderson came in the witness room once or twice, and  
15 McFadden, I believe, stayed in the courtroom the whole time.

16 Q. He was the case agent like --

17 A. I believe so, yeah, like Kevin.

18 Q. -- like Kevin is?

19 A. Yeah.

20 Q. Okay. When Jeff Henderson came into the witness room  
21 though, there was no discussion at all about your testimony  
22 that day; correct?

23 A. No, not that day.

24 Q. No discussion of his testimony of what he had already  
25 given; is that correct?

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1266

1 A. Not that day.

2 Q. Because it is fair that he testified before you did; right?

3 A. Right.

4 Q. Okay. So nobody was getting together and putting it  
5 together between the testimonies; right?

6 A. No, sir.

7 Q. Nobody provided you with a list of questions that Julie  
8 O'Connell would ask you?

9 A. No.

10 Q. The defense attorney.

11 A. Right. I remember her.

12 Q. Nobody gave you a list of questions of what Mr. Hopkins,  
13 the other defense attorney, would say, did they?

14 A. Right. Before trial, when I was in the witness room? No,  
15 nobody gave me nothing in there.

16 Q. At any time before the trial, did Julie O'Connell or  
17 Mr. Hopkins, either one, give you a list of questions that they  
18 intended to ask you?

19 A. Not that I can remember.

20 Q. Okay. So it would be fair to say that you didn't know what  
21 those questions would be?

22 A. Right.

23 MR. WYATT: Your Honor, may I have just a moment,  
24 please, sir?

25 THE COURT: Yes, sir.

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1267

1 Q. (BY MR. WYATT) You weren't in the courtroom at the time  
2 that Jeff Henderson testified in the Larry and Larita Barnes  
3 case, were you?

4 A. No.

5 Q. So you don't know what his testimony was even to this day,  
6 do you?

7 A. No.

8 Q. You've not read the transcripts and they've not been  
9 provided to you?

10 A. No.

11 Q. Do you know whether there were differences between what  
12 Jeff Henderson said and what you said?

13 A. No, I don't. I didn't read them. I don't know. I've  
14 never seen them.

15 Q. You told the jury that the events that you made up, --

16 A. Yeah.

17 Q. -- that they occurred in the bedroom at Larita Barnes'  
18 house; right?

19 A. That whole trial was a lie from my point out of my mouth  
20 was a lie.

21 Q. Right. I'm just asking you: Did you tell them that the  
22 event -- this fake event, this buy, occurred in the bedroom?

23 A. That's what I told them, yeah.

24 Q. Okay. And if Jeff Henderson testified, and it's in exhibit  
25 number 30, government's exhibit number 30, that the deal

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1268

1 happened in the living room, that would be different from your  
2 testimony; right?

3 A. Right.

4 Q. Now, how many rooms are in that house, the Barnes' house?

5 A. I believe there's a living room, kitchen, looked like two  
6 back bedrooms. I never did go down to the garage or whatever.

7 Q. And I believe from reading your transcript of your  
8 testimony, that you told Julie O'Connell or the prosecutor, I'm  
9 not sure which, it was an 800 to 900 square foot home.

10 A. Are you going back to the Barnes trial again?

11 Q. Yes, sir.

12 A. As I told you, it was a lie.

13 Q. I understand that. I understand that's your  
14 testimony. You testified that their house was about 8- or 900  
15 square feet?

16 A. Right around there. About the same size as mine. Pretty  
17 close.

18 Q. So it was just a few rooms?

19 A. Just a few rooms.

20 Q. A living, kitchen, bedroom -- couple of bedrooms and a  
21 bathroom?

22 A. Done deal.

23 Q. Do you expect that between all this six hours, eight hours  
24 of coaching, and your three or four meetings with Rob Raley,  
25 that you and Jeff Henderson could get together on whether it

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1269

1 was the living room or the bedroom?

2 A. I guess so. I guess we could have, yeah.

3 Q. You are both reasonably intelligent people; right?

4 A. Yeah. I guess when you tell so many lies, though, it's  
5 hard to keep up with them.

6 Q. Okay. At the Barnes trial you specifically testified on  
7 page 250 that on the day before the buy, on May 7, 2007, that  
8 you got in the car and went by the house with Henderson and  
9 McFadden. Wasn't that your testimony?

10 A. At the Barnes trial?

11 Q. Yes, sir.

12 A. Then, again, I told you that was a lie.

13 Q. All I'm asking is: Did you tell the jury that on the day  
14 before this fake buy, that you got in the car with these  
15 officers, drove them to the location, and showed them where it  
16 occurred; is that correct?

17 A. Yeah, that's what I told them.

18 Q. You were cross-examined about that by both Mr. Hopkins and  
19 Ms. O'Connell; correct?

20 A. I believe I was.

21 Q. So you told -- In response to questions from Mr. Raley and  
22 Ms. O'Connell and Mr. Hopkins, you told all three of them the  
23 same thing; right?

24 A. Right.

25 MR. WYATT: Your Honor, again, I'm about to finish.

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1270

1 May I have another moment, please, sir?

2 THE COURT: Yes, sir.

3 Q. (BY MR. WYATT) Now, again, I hate to backtrack but I'm  
4 just trying to fill in before you leave. This is my last  
5 chance to talk to you.

6 When you met with the OIG and, again, I believe that was  
7 Officer Rachel M. Hart with the Office of Inspector General for  
8 the Department of Justice; correct?

9 A. Yes.

10 Q. And you told her about your dealings with Rochelle Martin;  
11 correct?

12 A. One time.

13 Q. Right.

14 And on page 17 of her memorandum, she outlined what you  
15 supposedly told her; correct?

16 A. I guess.

17 Q. Okay. And in that outline, in that report, she wrote in  
18 regard to the early 2007 deal with Rochelle Martin -- and you  
19 only dealt with her one time; right?

20 A. One time.

21 Q. Ever?

22 A. One time ever.

23 Q. Said, "McFadden instructed Logsdon to meet with Martin."

24 A. Henderson did.

25 Q. Okay. Her report, at page 17, specifically says, "McFadden



## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1271

1 instructed Logsdon to meet with Martin."

2 A. McFadden never once told me to. Maybe I forgot to tell her  
3 to change that in the report, but Henderson called me and  
4 directed me to go over there and buy that 10 ounces of meth.

5 Q. So that's an important distinction; correct?

6 A. It's important, yeah, but that's not -- McFadden didn't  
7 tell me to do that.

8 Q. And, again, you read this memorandum, this 22-page  
9 memorandum --

10 A. There's a lot of stuff in there, sir. There's a whole lot  
11 of stuff on there.

12 Q. Yes, sir. And on the back page it says specifically, "On  
13 July 7, 2009, the completed version of this report was reviewed  
14 by Logsdon and he concurred with the information contained  
15 therein." Is that right?

16 A. Right, right.

17 Q. So they specifically asked you, "Is there anything you want  
18 to change, is there anything that's wrong"?

19 A. Right.

20 Q. And you didn't do that?

21 A. Right.

22 Q. In December of 2006, or January of 2007, did the police  
23 investigate an allegation of a disturbance at your house?

24 A. I don't know. Probably was a -- what do they call it -- a  
25 restraining order? Is that what you're talking about? Hell, I

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1272

1 don't know. Tell me more. Talk to me.

2 Q. I'm just asking: Did they come and investigate a  
3 disturbance?

4 MR. HARRIS: Objection, Your Honor.

5 THE WITNESS: I'm not understanding.

6 MR. HARRIS: Can we approach?

7 THE COURT: Yes, sir.

8 (THE FOLLOWING PROCEEDINGS WERE HAD AT THE BENCH, OUT OF  
9 THE HEARING OF THE JURY:)

10 MR. HARRIS: Is this the domestic abuse?

11 MR. WYATT: Uh-huh. I'm not going to go into what it  
12 was. I don't care about that. I just care about the date.

13 MR. HARRIS: Okay.

14 THE COURT: Well, what does it have to do with the  
15 date?

16 MR. WYATT: It impeaches something that --

17 MR. HARRIS: McFadden says?

18 MR. WYATT: -- that McFadden says.

19 THE COURT: About when the police came to this  
20 witness's house?

21 MR. WYATT: Yes, sir.

22 THE COURT: All right. Keep it very short.

23 MR. WYATT: I will. Yes, sir. I'm not trying to get  
24 into the fact that it was a domestic.

25 THE COURT: All right.

## RYAN LOGSDON - CROSS (By Mr. Wyatt)

1273

1 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITHIN  
2 THE PRESENCE AND HEARING OF THE JURY:)

3 Q. (BY MR. WYATT) If you know, fine; if you don't, that's  
4 fine. Do you know if the police investigated a disturbance of  
5 any kind at your house in December of 2006 or January of 2007?

6 A. I don't -- I can't remember one, no.

7 Q. Okay. Fair enough.

8 If Brandon McFadden said that the deal at TCC was \$7,000,  
9 not 4,000 or 5,000, is that different from your testimony?

10 A. Well, it sounds like it is.

11 Q. When you first met Adrian Torres -- You recall there was  
12 some conversation about Adrian Torres; correct?

13 A. Adrian Torres? Yes, uh-huh.

14 Q. Yes, sir.

15 Adrian Torres, you met him at a flea market; is that right?

16 A. No; I met him through McFadden.

17 Q. Okay.

18 A. I met up with him at a flea market a few times.

19 Q. Did Mr. McFadden at any time represent you as a law  
20 enforcement officer?

21 A. He might have. Adrian Torres, on one or two occasions,  
22 asked to see my badge.

23 Q. Okay.

24 A. And I just kind of looked at him funny and said, "I don't  
25 have no badge."

RYAN LOGSDON - CROSS (By Mr. Wyatt)

1274

1 Q. Okay.

2 A. And he said, "What about your gun?" And I said, "I don't  
3 have no gun either."

4 Q. Okay.

5 A. He might have. I don't know.

6 Q. But it was your understanding that he had done that;  
7 correct?

8 A. I didn't ask McFadden.

9 Q. You told the OIG that he had introduced you as an officer,  
10 didn't you?

11 A. Well, that's what I was getting from Adrian. That's from  
12 my understanding.

13 Q. Okay.

14 MR. WYATT: Pass the witness, Your Honor.

15 THE COURT: All right. Let's take our noon recess at  
16 this point, ladies and gentlemen. We'll be in recess until  
17 1:30.

18 (THE LUNCHEON RECESS WAS HAD)  
19  
20  
21  
22  
23  
24  
25

1 AFTERNOON SESSION

2 AUGUST 8, 2011

3 -----  
4 (The following proceedings were had within the presence and  
5 hearing of the jury.)

6 THE COURT: Court is back in session. Cross-  
7 examination.

8 MR. ALLEN: Your Honor, may we approach?

9 THE COURT: Yes, sir.

10 (Whereupon the following proceedings were heard  
11 outside the presence and hearing of the jury.)

12 MR. WYATT: Your Honor, over the noon hour, I looked  
13 up on the transcript, and at page 592, lines 17 through 21,  
14 Nicole Babbitt asked the question to Rochelle Martin: "What  
15 kind of bag did you hand off?

16 "ANSWER: It was -- I know Jeff had his in a brown  
17 bag. I don't remember what kind of bag Ryan gave me.

18 ANSWER: A clear bag -- excuse me.

19 "QUESTION: A clear bag?

20 "ANSWER: If it was clear, I would have seen what was  
21 in it.

22 "QUESTION: A Doritos bag?

23 "ANSWER: I don't remember."

24 And I believe that the court instructed the jury that  
25 you heard her say it was in a Doritos bag. And we would ask

1 that the record be corrected.

2 MR. ALLEN: For the jury's benefit.

3 MR. WYATT: For the jury's benefit.

4 THE COURT: What did you say about the dope -- I'm  
5 very confused about the part you just read, frankly.

6 MR. WYATT: Yes, sir, I specifically asked him the  
7 question if Rochelle Martin said it was in a brown bag, the  
8 dope, and not in a Doritos bag -- and Mr. Harris objected. And  
9 then Your Honor said, well, I believe I heard it was a Doritos  
10 bag.

11 THE COURT: Yes, that's the drugs. You talking  
12 about --

13 MR. WYATT: Right. And she says it was in a brown bag  
14 that she handed off.

15 THE COURT: I'll just tell the jury to rely on their  
16 memory. I thought you said the Doritos bag is what you're  
17 wanting it to read, wasn't it?

18 MR. WYATT: No. She says, "What kind of bag did you  
19 hand off," and said brown bag. Thank you, Your Honor.

20 (The following proceedings were had within the presence and  
21 hearing of the jury.)

22 THE COURT: As I'll instruct you at the end of the  
23 trial, ladies and gentlemen, it will be your memory of the  
24 facts that controls this case. So anything that I say or the  
25 lawyers say should be disregarded if it is contrary to what you

RYAN LOGSDON - CROSS (By Mr. Allen)

1277

1 remember being the testimony at trial.

2           You may proceed. Mr. Allen.

3                           CROSS-EXAMINATION

4 BY MR. ALLEN:

5 Q. Mr. Logsdon?

6 A. Yeah.

7 Q. We've met --

8 A. Yes, sir.

9 Q. -- as has been discussed?

10 A. Uh-huh.

11 Q. An issue that you told me about was that you had never told  
12 Jeff Henderson about a meeting with Larita Barnes at the  
13 QuikTrip. Do you remember that?

14 A. Telling Jeff about it?

15 Q. Yes.

16 A. That never happened. I don't believe it ever happened.

17 Q. The fact is that the testimony at trial about how you met  
18 Larita Barnes at a QuikTrip, that never happened?

19 A. No, no, it never did. I've known Larita. I've always  
20 known how to get a hold of her. Sometimes we would be distant  
21 for a year or two, but we'd keep in touch. I never did meet  
22 her at no QuikTrip, no, no.

23 Q. The only time you've bought drugs from her in any recent  
24 past was that time at the end of 2006?

25 A. Right, right.

## RYAN LOGSDON - CROSS (By Mr. Allen)

1278

1 Q. You, in fact, hadn't bought drugs from her since early in  
2 2000; right?

3 A. Yes, somewhere around there. I couldn't remember the exact  
4 time, but yeah.

5 Q. You haven't seen her since?

6 A. No.

7 Q. Except for at trial, obviously?

8 A. At trial, yeah.

9 Q. So if agent -- or former Agent McFadden says that you said  
10 you had bought drugs from Larita Barnes a couple of times right  
11 before May 8th, where would he have gotten that?

12 A. From what I told him right before May 8th of '07?

13 Q. Yes.

14 A. What I told him about in '06.

15 Q. Did you tell him about '06?

16 A. Yeah. I told him that's the last time I bought anything  
17 from her, yeah, yeah.

18 Q. Did you tell Jeff Henderson about that?

19 A. Yeah.

20 Q. When did you tell him about that?

21 A. Whenever we was riding around one day, he wanted me to  
22 point out some houses for him. He wanted me to show him in  
23 Tulsa some houses that had dope in it that he could go run a  
24 search warrant on it and find dope in there. Dope, guns,  
25 whatever. First part of '07 sometime.



## RYAN LOGSDON - CROSS (By Mr. Allen)

1279

1 Q. Say again?

2 A. First part of '07 sometime.

3 Q. So when this conversation happens at your house in 2008 --  
4 or in 2007, May 8, 2007, I believe you testified Jeff Henderson  
5 shows up at your house and says, "You just bought drugs from  
6 Larry Barnes;" right?

7 A. Correct.

8 Q. What else happened during the course of that conversation?

9 A. Not a whole lot besides me giving him back the dope and  
10 saying, "No, I didn't, I told you I can't buy from them  
11 people. I told you that."

12 Q. When was the next time he talked to you about this alleged  
13 buy?

14 A. Seemed like he told me that -- him and McFadden might have  
15 told me that they went and picked up -- or somebody went and  
16 picked up Larry and Larita on a warrant maybe. So it might  
17 have been a few months later maybe.

18 Q. Do you remember telling Gary Knox that it was three or for  
19 months later?

20 A. I don't remember a whole lot about that.

21 Q. Do you remember how many times you met with Agent McFadden  
22 and Officer Henderson regarding the testimony you were going to  
23 give?

24 A. Like I said, we met three or four times. Three, four, five  
25 times. Rode around Tulsa.

## RYAN LOGSDON - CROSS (By Mr. Allen)

1280

1 Q. Do you remember about when those times were?

2 A. It was after the state arrested them, state dropped the  
3 charges, and the feds picked it up, so it was after Rob Raley  
4 got handed the case, which I don't know when that is, when that  
5 was, but --

6 Q. Is this when one of these officers told you to testify the  
7 way that you would if you were talking about a time when you  
8 actually had bought drugs from Larita?

9 A. Right. Just put myself in that position like the buy  
10 actually happened, but it didn't.

11 Q. So was it just a miracle that Jeff Henderson had told a  
12 story and the police report exactly the way that you had bought  
13 the drugs from Larita Barnes in 2006?

14 A. He had asked me, "How do you guys normally do the deal?"  
15 And I said, "Well, I call them up, go in, do the deal and  
16 leave." Gave him the basis of it.

17 Q. You realize that there is a police report about it; right?

18 A. Yeah.

19 Q. It's on the TRACIS system?

20 A. Right.

21 Q. And that TRACIS system is out of Jeff Henderson's control.  
22 You realize that; right?

23 A. Yeah, I guess.

24 Q. Realize that in order -- I'm sorry?

25 A. I don't know how to get one.

## RYAN LOGSDON - CROSS (By Mr. Allen)

1281

1 Q. Realize that in order to create a TRACIS report that has  
2 the date of May 8, he would have had to have done it on May 8;  
3 correct?

4 MR. HARRIS: I object. I don't know that he knows  
5 that. I'm not even sure I do. I object to the speculation.

6 THE COURT: Lay the foundation if you wish to pursue  
7 it.

8 MR. ALLEN: I'm just asking him if he knows.

9 THE COURT: Well, if there's no basis to ask him that,  
10 there's no sense in pursuing it. Let's move on to something  
11 else.

12 Q. (By Mr. Allen) Was it a similar miracle that Jeff Henderson  
13 happened to have written in that handwritten statement by  
14 you --

15 MR. HARRIS: Judge, I object. I don't know what the  
16 first miracle is Mr. Allen is talking about.

17 THE COURT: He just asked a prior question about a  
18 miracle -- the facts being similar to what's in the TRACIS  
19 report. Or identical, I guess. Lay the foundation if you want  
20 to pursue how he got this information.

21 MR. ALLEN: I'm sorry, what information?

22 THE COURT: Lay the found- -- where Henderson got it  
23 or what this witness told him.

24 MR. ALLEN: Okay.

25 Q. (By Mr. Allen) Now, it's been your testimony that the way

## RYAN LOGSDON - CROSS (By Mr. Allen)

1282

1 you testified at the Barnes trial was from remembering the time  
2 you bought from Larita Barnes in 2006; right?

3 A. Right.

4 Q. And Jeff Henderson's report happens to be exactly that;  
5 right?

6 A. Right.

7 Q. And the Barneses didn't get arrested for several months  
8 after the May 8th buy; right?

9 A. Right.

10 Q. How did this report happen to be exactly what your memory  
11 was of 2006?

12 A. I don't know.

13 Q. You guys didn't start meeting and riding around until after  
14 they'd gotten arrested; right?

15 A. Yeah.

16 Q. Similar with the \$10,000. How is it that Jeff Henderson  
17 just happened to miracle \$10,121 in there, and you just pulled  
18 out of thin air \$10,000 at trial?

19 A. I remembered -- like I told you at deposition, I remember  
20 getting some paperwork in the mail talking about how much money  
21 they seized along with my car, so that just kind of stayed in  
22 my mind, so I just threw that out there. That's not nothing --  
23 anything about the \$10,000, Henderson didn't coach me on that.  
24 That's just something I you threw out there because that was  
25 one question he didn't coach me on, that he might have forgot

RYAN LOGSDON - CROSS (By Mr. Allen)

1283

1 to coach me on.

2 Q. So you're saying the forfeiture paperwork; is that right?

3 A. The forfeiture paperwork on my car and the funds seized at  
4 my house, yes.

5 Q. So when you're talking about this, you're talking about the  
6 Chrysler 300?

7 A. Yes.

8 Q. It got forfeited that night; right?

9 A. Yeah, he took it.

10 Q. January 23rd, 2007?

11 A. Took that.

12 Q. And the money, it got forfeited that night; right?

13 A. Yes.

14 Q. In that handwritten statement, it shows where you write  
15 that you have obtained those funds and that vehicle by using  
16 illegal -- or by selling illegal substances; right?

17 A. Right. Right.

18 Q. The forfeiture paperwork you're talking about in the mail,  
19 can you explain to us what that is?

20 A. I got some paperwork in the mail that showed that there was  
21 a search warrant ran on my residence and they forfeited illegal  
22 money, illegal contraband.

23 Q. And you took some effort to try to get your car back;  
24 right?

25 A. Well, yeah, I responded to it, yeah, but I knew I wasn't

## RYAN LOGSDON - CROSS (By Mr. Allen)

1284

1 going to get it back. I just responded to the letter.

2 Q. Were you trying to get back the money?

3 A. No.

4 Q. So why is it that you would try to get back a car that's  
5 worth \$20,000, and not try to get back \$60,000 in cash?

6 A. I don't know. I didn't -- they didn't give none of it  
7 back.

8 Q. But you made no effort to try to get \$60,000 in cash back?

9 A. No. 60,000 was gone. 50 of it was gone. The other ten  
10 got turned in.

11 Q. If you were going to cooperate with the police, wouldn't --  
12 you say that you felt like someone planted drugs in your house;  
13 is that right? You think someone planted drugs; right?

14 A. I know they did.

15 Q. And you told the OIG that --

16 A. I know they did.

17 Q. You told the OIG very specifically that Brandon McFadden,  
18 you believed, had planted marijuana; right?

19 A. Right.

20 Q. And that you believe that Brandon McFadden must have had it  
21 in his pocket and put it in the -- or pulled it out; right?

22 You told the OIG you were actually standing in your backyard,  
23 and Jeff Henderson and Brandon McFadden walked up to you?

24 A. Yeah -- well, go ahead.

25 Q. They showed you the marijuana; right?

## RYAN LOGSDON - CROSS (By Mr. Allen)

1285

1 A. McFadden pointed to it. Henderson followed up and says,  
2 "Where did you get this at? This is yours, isn't it?" I said,  
3 "No, it is not."  
4 Q. This all happened in your backyard?  
5 A. In my garage, yeah.  
6 Q. And you didn't tell the OIG that anybody had thrown a  
7 bottle at your chest or anything like that?  
8 A. No.  
9 Q. And you didn't -- you told the OIG that you had \$1,200 in  
10 your pocket also; right?  
11 A. I did have \$1,200 in my pocket. Henderson took it. He  
12 gave my girlfriend \$100 of it and told her to go get a hotel  
13 room.  
14 Q. Where do you figure Jeff Henderson got \$10,121 to put in  
15 this report?  
16 A. I don't know.  
17 Q. So if you're going to cooperate at this point, once you  
18 feel like Agent McFadden has shown you marijuana, you feel like  
19 it's not yours, you're going to be set up; right?  
20 A. I know it wasn't mine.  
21 Q. You know it wasn't yours. You were going to be set up.  
22 Somehow they were going to take your kids; right?  
23 A. That's what they told me. That's what they attack first.  
24 Q. You're willing to give up Avery Brewer, your supplier?  
25 A. That's right.

## RYAN LOGSDON - CROSS (By Mr. Allen)

1286

1 Q. Why in the world do you give them the \$60,000?

2 A. I had to put everything out on the table. I had to be  
3 honest. I had to be straight up with them. I was scared.

4 Q. Why in the world did you give them the two and a half  
5 pounds of methamphetamine?

6 A. To show them that marijuana wasn't mine. That you missed  
7 this two pounds of dope when you searched my house.

8 Q. You were sitting there and watched Frank Khalil try to find  
9 it in the closet; right?

10 A. Henderson asked me, he said, "I want your marijuana  
11 supplier." I said, "I don't have one. I don't sell  
12 marijuana."

13 Q. Did you not think giving up Avery Brewer would have gotten  
14 you out of this?

15 A. No.

16 Q. Not without giving them \$60,000 and two and a half pounds  
17 of meth?

18 A. And 20 suppliers later.

19 Q. You told the grand jury at some point that you never sold  
20 out of the house; right?

21 A. Right.

22 Q. But you did?

23 A. Yeah, I did.

24 Q. You have since that time; right?

25 A. I did before I met with the federal agents on '09. That's



RYAN LOGSDON - CROSS (By Mr. Allen)

1287

1 the last time I sold dope.

2 Q. And the federal agents, before you started cooperating with

3 this, had done controlled buys on your house; right?

4 A. They told me they had controlled buys from my house, yes.

5 Q. Like about nine ounces of it?

6 A. I was told a pound.

7 Q. So federal agents had already bought a pound?

8 A. That's what they said.

9 Q. That didn't have anything to do with Jeff Henderson?

10 A. No, I was selling dope on my own.

11 Q. Or Brandon McFadden, nothing like that?

12 A. No.

13 Q. You're not charged with that today?

14 A. No.

15 Q. You haven't been charged since sometime in '09, whenever

16 that happened; right?

17 A. No.

18 Q. Is that why you're here testifying today?

19 A. Yes, hoping I can get some type of leniency. Something.

20 MR. ALLEN: One second, Your Honor.

21 Q. (By Mr. Allen) The one meeting you had that you testified

22 about with Bill Yelton during a traffic stop, do you remember

23 that?

24 A. When him and Henderson pulled me over?

25 Q. Yes.

RYAN LOGSDON - REDIRECT (By Mr. Harris)

1288

1 A. Yes.

2 Q. Did Bill Yelton do anything to you that you felt like was  
3 inappropriate?

4 A. No, no. We had just a real quick conversation in the car.

5 Q. Other than that, do you have any other -- any other  
6 connection with Bill Yelton at all?

7 A. No.

8 MR. ALLEN: No other questions.

9 THE COURT: Redirect.

10 MR. HARRIS: Yes, sir.

11 REDIRECT EXAMINATION

12 BY MR. HARRIS:

13 Q. That gentleman that just asked you some questions,  
14 Mr. Allen, the guy in the yellow tie --

15 A. Yes.

16 Q. -- he represents Bill Yelton.

17 A. Right.

18 Q. You've met him before today, haven't you?

19 A. Yes, I have.

20 Q. In fact, he deposed you, didn't he?

21 A. A deposition, yes, sir.

22 Q. A civil lawsuit?

23 A. Right.

24 Q. Were you being sued?

25 A. No, I'm not being sued.

RYAN LOGSDON - REDIRECT (By Mr. Harris)

1289

1 Q. Were you suing somebody?

2 A. No.

3 Q. He just wanted to depose you?

4 A. Yeah.

5 Q. In fact, the first time he deposed you was June 28th, and  
6 the deposition was something in the neighborhood of 109 pages.  
7 Did you know that?

8 A. Yeah.

9 Q. Was that the only time he deposed you?

10 A. He did a couple of more times after that.

11 Q. In fact, that same lawyer, Mr. Allen --

12 MR. ALLEN: Your Honor, may we approach?

13 THE COURT: Yes, sir.

14 (The following proceedings were had at the bench out of the  
15 hearing of the jury.)

16 MR. ALLEN: Your Honor, I believe that this is a  
17 purposeful mischaracterization of the deposition that was  
18 intentionally continued by agreement with his lawyer. It only  
19 lasted for an hour or so, and then due to scheduling issues, it  
20 went to another time. It makes it sound as -- I think he's  
21 intentionally driving it toward the idea that it was three  
22 separate depositions. And, in fact, it was continued by  
23 agreement.

24 THE COURT: Give him the total number of pages.

25 MR. HARRIS: Okay. I'll do it.

## RYAN LOGSDON - REDIRECT (By Mr. Harris)

1290

1 (The following proceedings were had within the presence and  
2 hearing of the jury.)

3 Q. (By Mr. Harris) This lawyer, Mr. Allen, deposed you three  
4 separate times, but -- it was just one deposition, but there  
5 were breaks because of people's schedule; is that fair?

6 A. Right. That's fair.

7 Q. So the first time you all met, it was -- he deposed you to  
8 the tune of 110 pages, I think?

9 A. A lot of questions, yeah.

10 Q. Second time, still -- part of the same deposition; right?

11 A. Uh-huh.

12 Q. He deposed you to the tune of looks like 57 pages.

13 A. Right.

14 Q. So 57 and 110. And then the third time was just -- he  
15 deposed you to the tune of 91 pages.

16 A. Right.

17 Q. So he was asking questions, and it's about almost 300  
18 pages' worth of depositions?

19 A. Right.

20 Q. And only thing you know about Bill Yelton is what you just  
21 told him that one time?

22 A. Right.

23 Q. Right. And so he sat down and asked you -- all those  
24 questions he asked you, did he ask you anything about Bill  
25 Yelton when he deposed you?

RYAN LOGSDON - REDIRECT (By Mr. Harris)

1291

1 A. I think he basically asked me the same thing he just asked  
2 me a while ago, if I ever had any contact with him.

3 Q. Who was he asking you questions about?

4 A. Bill Yelton.

5 Q. Anybody else?

6 A. Henderson.

7 Q. He was asking you questions about Jeff Henderson?

8 A. Yeah, I believe.

9 Q. Do you know why?

10 A. I believe it might have been on that traffic stop. Is that  
11 what you're talking about?

12 Q. I don't know. I wasn't there.

13 A. I can't really remember how many times he asked me about  
14 Henderson, but several.

15 Q. So this lawyer for Mr. Yelton deposed you to the tune of  
16 almost 300 pages, and he's asking you questions about Jeff  
17 Henderson; is that right?

18 MR. JONES: Your Honor, may I approach the bench?

19 THE COURT: Yes, sir.

20 (Whereupon the following proceedings were had in the  
21 presence and hearing of the jury.)

22 MR. JONES: A misleading impression has been created  
23 here. The deposition is in the civil case, and Mr. Allen  
24 represents Mr. Henderson in a civil case.

25 THE COURT: I think Mr. Harris said that.

## RYAN LOGSDON - REDIRECT (By Mr. Harris)

1292

1 MR. JONES: Well, but he's leaving the impression that  
2 all of these questions are being asked for the criminal case.  
3 Mr. Logsdon is a witness in the civil case.

4 THE COURT: I understand. I'll let Mr. Wyatt cover it  
5 briefly.

6 MR. JONES. Thank you.

7 MR. WYATT: Your Honor, also with respect to that, I  
8 believe the government has opened up the door to the fact that  
9 with respect to one whole deposition and half of another one,  
10 that they had to keep asking him questions because he entered  
11 the Fifth Amendment and refused to testify.

12 THE COURT: I don't think we're going to get into  
13 that.

14 MR. WYATT: Well, he's not the defendant.

15 THE COURT: I understand. What's that going to show?

16 MR. WYATT: Well, it shows that we wouldn't have had  
17 three depositions, it wouldn't have been 300 pages, it would  
18 have been about a hundred pages had he simply asked (sic) the  
19 questions, because he pled the Fifth to the first two days of  
20 the testimony, same questions. And then he was compelled to  
21 answer those questions by the state court judge, and that's the  
22 reason they came back.

23 THE COURT: Mr. Harris.

24 MR. HARRIS: I don't think he answered the questions.  
25 I think he continued to take the Fifth.

RYAN LOGSDON - REDIRECT (By Mr. Harris)

1293

1 MR. WYATT: No, the entire last day, the deposition on  
2 the third day, he answers the questions, Your Honor.

3 MR. ALLEN: He takes the Fifth on occasion on the  
4 third day, but on certain very specific things he said --

5 THE COURT: When was the deposition taken?

6 MR. HARRIS: June 28th.

7 THE COURT: Last June, a couple of months ago? I'll  
8 permit you to cover that.

9 (The following proceedings were had within the presence and  
10 hearing of the jury.)

11 Q. (By Mr. Harris) You had an attorney at the deposition,  
12 didn't you?

13 A. Yes, Stan Monroe.

14 Q. And they said you were a witness in that civil matter;  
15 right?

16 A. Right.

17 Q. And do you know who Mr. Allen represented in that civil  
18 matter?

19 A. In the civil matter, he represented Jeff Henderson.

20 Q. Okay. Now, I heard some talk between Mr. Wyatt -- did you  
21 know Mr. Wyatt, the gentleman that asked you the first  
22 questions?

23 A. It's the first time I met him today.

24 Q. His name is Robert Wyatt, IV, I believe.

25 A. Okay.

RYAN LOGSDON - REDIRECT (By Mr. Harris)

1294

1 Q. He asked you some questions, and then Mr. Allen did, too,  
2 about Gary Knox. Who is this Gary Knox guy?

3 A. A childhood friend.

4 Q. Did you know that Gary Knox was an investigator for them or  
5 something?

6 A. No, I didn't. A real good childhood friend of mine.

7 Q. Did he come to your house and bring you some beer and try  
8 to tape record some stuff of you?

9 A. He must have, yeah, from what I've been told.

10 Q. Mr. Wyatt was asking you some questions -- you haven't been  
11 charged with any of this stuff you've told about, have you?

12 A. No.

13 Q. You haven't been charged about all the dope dealing you've  
14 done with Jeff Henderson?

15 A. No.

16 Q. Or Brandon McFadden?

17 A. No.

18 Q. Or all the drugs you bought from Adrian Torres?

19 A. No, I haven't been charged at all, sir.

20 Q. You haven't been charged with all the dope you sold, have  
21 you?

22 A. No.

23 Q. Anybody tell you you're not going to get charged?

24 A. No.

25 Q. Anybody at this table say, you've got immunity, just tell



## RYAN LOGSDON - REDIRECT (By Mr. Harris)

1295

1 us?

2 A. No.

3 Q. Do you realize that's what most witnesses do, they ask for  
4 immunity?

5 A. Yes.

6 Q. Why didn't you do that?

7 A. I wasn't worried about that. I was worried about getting  
8 these officers, what they done to me when they threatened to  
9 take my child. That's it.

10 Q. I know when you testify, you seem to get the angriest when  
11 you're talking about planting the marijuana.

12 A. It happened, sir.

13 Q. That seemed to have made you pretty mad?

14 A. Damn right it did.

15 Q. What about taking your kids?

16 A. That topped it off right there.

17 Q. Why in the world, if all they got is a little knick-knack  
18 marijuana on January 23 --

19 A. They was going to take my kid.

20 Q. -- why in the world would you give them two pounds of meth  
21 and a bunch of cash?

22 A. To show them they was lying.

23 Q. I guess you showed them, didn't you?

24 A. I showed 'em.

25 Q. Are you aware that -- I heard Mr. Wyatt ask you a lot of

## RYAN LOGSDON - REDIRECT (By Mr. Harris)

1296

1 questions about you've misstated things, you've said things  
2 wrong. You've just flat-out lied before, haven't you?  
3 A. Yes, sir.  
4 Q. In the Barnes trial, you lied?  
5 A. I lied.  
6 Q. Apparently in some state court trial you lied?  
7 A. Which one was that?  
8 Q. I don't know. I'm trying to remember which -- you know, I  
9 thought it was some state court --  
10 A. In state court?  
11 Q. Uh-huh.  
12 A. I testified against Luis, and I didn't lie on that.  
13 Q. Oh, you didn't tell everything, did you?  
14 A. No, didn't tell everything.  
15 Q. You didn't tell about you buying dope on the side and  
16 selling it?  
17 A. Right, right, right.  
18 Q. I gotcha. Okay. And then you heard them talk to you about  
19 all the little -- whether it was McFadden that planted the dope  
20 or whether you told the OIG it was Henderson -- you heard all  
21 those questions?  
22 A. Yeah.  
23 Q. Do you know what today is, what today's date is?  
24 A. 8th.  
25 Q. Of what?

RYAN LOGSDON - REDIRECT (By Mr. Harris)

1297

1 A. August.

2 Q. What year?

3 A. 2011.

4 Q. When is everybody trying to ask you about stuff? In what

5 year?

6 A. Oh, they're trying to ask me things that happened to me

7 from '07 all the way up until now. There's a lot of things

8 that's happened to me. A lot.

9 Q. Starting in actually late '06, I guess with Ms. Larita

10 Barnes.

11 A. Late '06, true.

12 Q. And where were you on June 1, 2008?

13 A. June 1, 2008?

14 Q. Uh-huh.

15 A. I'd been at home.

16 Q. How about June 1, 2011?

17 A. I'd been at home with my kids.

18 Q. It's kind of hard remembering everything, isn't it?

19 A. Yeah. Yeah, it is hard.

20 Q. In fact, this OIG agent interviewed you on June 26, 2009.

21 A. Okay.

22 Q. Do you remember Mr. Wyatt talking to you about this?

23 A. Are you talking about Ms. Hart?

24 Q. Yeah, Ms. Hart --

25 A. Uh-huh.

## RYAN LOGSDON - REDIRECT (By Mr. Harris)

1298

1 Q. -- was the agent?

2 A. Right, at the time.

3 Q. This document, where they sat down and interviewed you, her  
4 and Gary Graff of the FBI; right?

5 A. Yes.

6 Q. And how long did they interview you?

7 A. What day was that again?

8 Q. It was written on June 26. Apparently June 22nd they  
9 interviewed you, and maybe initial interview on June 10th,  
10 2009.

11 A. Yeah, they interviewed me twice, you know, about two or  
12 three hours each time, I believe.

13 Q. Have you seen this? It is 21 pages.

14 A. Yes. I've got that at home.

15 Q. Single space.

16 A. Yes.

17 Q. Is that you just sitting down and trying to remember  
18 everything you've done?

19 A. That's trying to sit down and remember everything I can the  
20 best I can.

21 Q. In '09, for the past two and a half years?

22 A. Before that, yeah.

23 Q. And at that time, had you thought about some of this stuff  
24 in '08 and '07 and '06?

25 A. Well, I -- all those things happened to me, so I remembered

## RYAN LOGSDON - REDIRECT (By Mr. Harris)

1299

1   them the best I could.

2   Q.   And the reason I asked this, it seems like there are some  
3   affidavits that you must have gotten search warrants where you  
4   really were the affiant for Jeff Henderson; am I right?

5   A.   Right, I did do some.

6   Q.   What did I hear, like 17 or 14 or something?

7   A.   It was close to 20.

8   Q.   I take it in those affidavits he probably put you were a  
9   reliable confidential informant, didn't he?

10   A.   A reliable confidential informant, that's what he put.

11   Q.   He said you talked the gospel, didn't he?

12   A.   That's right.

13   Q.   The Barnes trial. The blank statement -- signing the blank  
14   statement, were you asked about that in the Barnes trial?

15   A.   It seems like I was.

16   Q.   Mr. Wyatt asked you if you, at the Barnes trial, if you  
17   lied voluntarily of your own free will. Did you lie  
18   voluntarily of your own free will?

19   A.   No, I did not. Officer Henderson and McFadden had me lie.

20   Q.   But you didn't go, Oh, no, guys I'm not doing this, did  
21   you?

22   A.   I tried, but it didn't work.

23   Q.   You didn't go to Rob Raley and go, Hey, Mr. Raley, let me  
24   tell you, this is all a lie, did you?

25   A.   No, I did not.

RYAN LOGSDON - REDIRECT (By Mr. Harris)

1300

1 Q. You didn't go, Hey, Mr. Haley, McFadden and Henderson are  
2 lying and I'm lying and we're just trying to put away some  
3 people for a long time?

4 MR. WYATT: I object. This is leading.

5 Q. (By Mr. Harris) Did you do that?

6 THE COURT: Sustained.

7 THE WITNESS: No.

8 MR. WYATT: I objected.

9 THE COURT: Sustained.

10 MR. HARRIS: And I do know what sustained means,  
11 Your Honor.

12 THE COURT: I was afraid I was mumbling.

13 MR. HARRIS: No, sir. I'm ready to go to the bench at  
14 any moment, Judge.

15 Q. (By Mr. Harris) Mr. Logsdon, what in the world made you get  
16 in federal court and lie about the Barneses?

17 A. What made me get in there and lie?

18 Q. Yeah.

19 A. Officer Henderson did it -- made me lie.

20 Q. Is that a pretty big deal?

21 A. Yeah, it's a big deal. He told me "You can think about  
22 going -- you can lie in their trial or you can think about  
23 going back to prison." I lied in the trial.

24 Q. What would have happened if you had said, "Guys, I'm going  
25 to tell the truth, I'm not going to do it"?

RYAN LOGSDON - REDIRECT (By Mr. Harris)

1301

1 A. They would have stuck my ass in prison.

2 Q. You realize you might go to prison anyway?

3 A. Oh, yeah.

4 Q. The chances are pretty good?

5 A. Oh, I know.

6 Q. The dope that was seized at your house on January 23rd?

7 A. Yeah.

8 Q. Do you know what -- the dope that was introduced into  
9 evidence and put into the TPD evidence room -- do you know if  
10 that had cut in it or do you know anything about it?

11 MR. WYATT: I'm going to object unless he can lay a  
12 foundation.

13 THE COURT: That's what he's asking.

14 MR. WYATT: I believe he previously testified there  
15 was no cut.

16 THE COURT: Overruled. I'll permit it.

17 Q. (By Mr. Harris) Do you know whether there was cut?

18 A. I knew when it left my house it wasn't cut. It was pure  
19 dope.

20 Q. Did anyone ever tell you anything about it being cut?

21 A. Yes, McFadden did.

22 Q. What did McFadden tell you?

23 MR. WYATT: I object to McFadden as hearsay.

24 MR. HARRIS: It's coconspirator, Your Honor.

25 THE COURT: It sounds like 801(d)(2) to me.

## RYAN LOGSDON - REDIRECT (By Mr. Harris)

1302

1 Overruled.

2 Q. (By Mr. Harris) What did McFadden say to you?

3 A. McFadden said that he cut the dope before he turned it in.

4 Q. Why would they do that?

5 A. Well, what they did was, is McFadden said the two pounds of  
6 dope that we got from your house, they took out a pound and a  
7 half and put it to the side, and put in a pound and a half of  
8 cut on top of the half a pound, which made it two pounds. It  
9 wasn't near as strong as it was when it left my house, but they  
10 turned in two pounds, so therefore they turned in two pounds,  
11 they had a pound and a half on the side.

12 Q. And when did he tell you this?

13 A. He told me that he'd done that on a few occasions.

14 Q. No, when did he tell you --

15 A. He told me, oh, around the summer of '08. He didn't tell  
16 me right off. He didn't tell me right off.

17 Q. What prompted him to tell you this?

18 A. I don't know. I don't know. He just started telling me  
19 things.

20 Q. Did you think in your mind -- on January 23rd, 2007 they  
21 catch you with two pounds and a bunch of cash?

22 A. Uh-huh.

23 Q. You're a pretty good arrest, ain't you?

24 A. Yeah, if they would have found it, that would have been a  
25 real good arrest, but they didn't find it.



RYAN LOGSDON - REDIRECT (By Mr. Harris)

1303

1 Q. But they got it though --

2 A. You got it.

3 Q. And you've got priors?

4 A. Got priors.

5 Q. And then you say I'll call up some Avery guy and he'll  
6 bring over one pound --

7 A. Right.

8 Q. -- they bust him?

9 A. Right.

10 Q. Why do you think they didn't take you? I mean, you had  
11 more dope, more money and more priors.

12 A. I knew that once I gave them him, they was going to let me  
13 go like they said they would, and I knew I had to give them  
14 some more people, so I didn't think they would just let me off  
15 the hook with just that one guy. I had a feeling they was  
16 going to make me bring them some more.

17 Q. You mentioned something about this 50 pounds of dope you  
18 got from McFadden?

19 A. Right.

20 Q. You hid it in the woods and it got stolen?

21 A. Yeah.

22 Q. What did you tell McFadden? Did you tell him that?

23 A. No, I told him I fronted it to somebody. I gave it to a  
24 guy on credit and I told McFadden that guy burned me. So I  
25 just left that alone and just paid him what I owed him.

## RYAN LOGSDON - REDIRECT (By Mr. Harris)

1304

1 Q. You paid who?

2 A. McFadden.

3 Q. The money for the 50 pounds?

4 A. Yeah.

5 Q. Why did you do that?

6 A. Just keep things cool. Wanted to keep in good with them.

7 Q. Why didn't you tell them the truth, it got ripped off and I  
8 got spooked?

9 A. I don't know. I just -- I paid him and left it alone.

10 Q. You know, Mr. Wyatt was also asking you some questions,  
11 another question he asked you, and he started off and he said,  
12 "I'll just ask you, because I don't recall what you said on  
13 direct." He was asking you a question.

14 A. Okay.

15 Q. Okay. And so now I'm asking you -- and the point is that  
16 he -- do you realize he couldn't remember what you said on  
17 direct?

18 A. On some of the things.

19 Q. Yeah.

20 A. Yeah. Pertaining to what?

21 Q. Pertaining to all sorts of stuff.

22 A. Oh, yeah. There's a lot of stuff that happened. I've got  
23 some things mixed up, but I'm close, close as I can get.

24 Q. How could -- did you know whether McFadden knew Rochelle  
25 Martin before you met her at the TCC?

RYAN LOGSDON - RECROSS (By Mr. Wyatt)

1305

1 MR. WYATT: I object unless he lays a foundation.

2 MR. HARRIS: I'm asking if he knew.

3 THE COURT: Overruled.

4 Q. (By Mr. Harris) Do you know whether McFadden knew Rochelle  
5 Martin when you entered the TCC?

6 A. Never had no conversations about Rochelle Martin with  
7 McFadden before then, no.

8 Q. Okay.

9 MR. HARRIS: That's all I have, Your Honor.

10 THE COURT: Limited questions on the civil deposition  
11 and Mr. Allen's participation.

12 MR. WYATT: Yes, sir. May it please the court.

13 RECROSS EXAMINATION

14 BY MR. WYATT:

15 Q. These three depositions taken on June 28, 2011, and then on  
16 June 30, 2011, and then on July 22, 2011, those three  
17 depositions were taken in a civil case filed by Larry Wayne  
18 Barnes and Linda Sue Barnes against the City of Tulsa, Ronald  
19 Palmer, Jeff Henderson and Brandon McFadden; is that correct?

20 A. Yes.

21 Q. And those were civil lawsuits; correct?

22 A. Yes.

23 Q. Okay. And during the first two of those three depositions,  
24 90 percent of your answers were "I plead the Fifth. I decline  
25 to answer;" isn't that correct?

RYAN LOGSDON - RECROSS (By Mr. Wyatt)

1306

1 A. Yes, sir.

2 Q. And those hearings or those depositions were continued  
3 either at yours or your attorneys, or one of the other  
4 attorney's request, it wasn't something that was intentional;  
5 correct?

6 A. Right.

7 Q. You were asked specifically in that deposition about things  
8 that you've testified to today; correct?

9 A. Yes.

10 Q. And your testimony was not always consistent in that sworn  
11 testimony with what it was today, was it?

12 THE COURT: Now you're overstepping the bounds,  
13 Mr. Wyatt.

14 MR. WYATT: Yes, Your Honor. No further questions.

15 THE COURT: You may step down.

16 MR. HARRIS: May he be excused, Your Honor?

17 THE COURT: Yes, sir. Any reason this witness may not  
18 be permanently excused?

19 MR. ALLEN: Yes, Your Honor, we may call him in our  
20 case in chief.

21 THE COURT: All right. You're still under subpoena.  
22 Government may call their next witness.

23 MR. HARRIS: Your Honor, at this time -- at this time,  
24 Your Honor, we're going to read the testimony of Ryan Logsdon  
25 at the Barnes trial into the record.

1 THE COURT: All right.

2 MR. HARRIS: Ms. Duke is going to read part of it.

3 MR. WYATT: Your Honor, may we approach?

4 THE COURT: Yes, sir.

5 (The following proceedings were had at the bench out of the  
6 hearing of the jury.)

7 MR. WYATT: Your Honor, I object at this time to  
8 reading in the transcript of the testimony of Ryan Logsdon at  
9 the Larry Barnes trial.

10 I informed the court that I wanted to cross-examine  
11 the witness regarding those things and now they're trying to  
12 bring in the evidence after the witness has testified. And I  
13 think both sides had ample opportunity to examine that and  
14 bring that in, and I object.

15 MR. HARRIS: Judge, it's evidence in the record. The  
16 transcript has already been admitted. We're just reading it  
17 into the record like we've done with all the others.

18 THE COURT: What's the point?

19 MR. HARRIS: The point is for the jury to hear his  
20 testimony.

21 THE COURT: You did not excuse Mr. Barnes. You have  
22 the opportunity to recall him.

23 MR. WYATT: Very well. Thank you.

24 (The following proceedings were had within the presence and  
25 hearing of the jury.)

KELIE BARNES - DIRECT (By Ms. Harris)

1308

1 MR. HARRIS: Starting on 188, this is Exhibit 30, page  
2 188, Your Honor.

3 MR. WYATT: I'm sorry, did you say 188?

4 MR. HARRIS: Page 188. Turn to page 188, Ms. Duke.

5 (Whereupon the transcript was read to the jury and  
6 both parties waived the reporting of such.)

7 MR. HARRIS: That's all I have, Your Honor.

8 THE COURT: You may call your next witness.

9 MS. HARRIS: The United States calls Kelie Barnes.

10 THE COURT: Please come forward and take the oath,  
11 please.

12 (Witness sworn.)

13 KELIE BARNES,  
14 having been first duly sworn, was called as a witness and  
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MS. HARRIS:

18 Q. Please state your name.

19 A. Kelie Barnes.

20 Q. How do you spell your first name?

21 A. K-E-L-I-E.

22 Q. And how old are you, Kelie?

23 A. 32.

24 Q. Do you work here in Tulsa?

25 A. Yes, I do.

KELIE BARNES - DIRECT (By Ms. Harris)

1309

1 Q. What do you do for a living?

2 A. I'm a manager at Sonic right now.

3 Q. Be sure to speak well into the microphone so everybody can  
4 hear you; you're soft spoken, okay?

5 A. Okay.

6 Q. How long have you been the manager at Sonic?

7 A. I just started it about a month ago.

8 Q. Okay. And are you the daughter of Larry Barnes, Sr.?

9 A. Yes.

10 Q. Are you the sister of Larita Barnes?

11 A. Yes.

12 Q. All right. Ms. Barnes, do you have a criminal history?

13 A. Yes, I do.

14 Q. If you would, just tell the jury what your prior charges  
15 have been and how they were resolved.

16 A. I was indicted in 1999 when I was 20 years old for a  
17 conspiracy and manufacturing.

18 Q. For what?

19 A. Conspiracy to manufacturing.

20 Q. And manufacture what?

21 A. Methamphetamine.

22 Q. Was that a federal indictment?

23 A. Yes, it was.

24 Q. Was your brother Larry Barnes, Jr. indicted as well?

25 A. He was indicted but he wasn't on my case.

KELIE BARNES - DIRECT (By Ms. Harris)

1310

1 Q. It was a different indictment?

2 A. Uh-huh.

3 Q. Who were the other individuals that were indicted with you?

4 A. Mark Barnes, my brother, and Hershal Clark was, and my  
5 brother-in-law. The other ones I don't know. I can't  
6 remember.

7 Q. Were you involved in the sale of methamphetamine?

8 A. No, I wasn't.

9 Q. Were you a user?

10 A. Not at that time.

11 Q. Did you -- were you ever a user of methamphetamine?

12 A. Yes, I was.

13 Q. Were you ever addicted to methamphetamine?

14 A. Yes, I was.

15 Q. What happened to the charges against you in the indictment?

16 A. I was -- I got three years probation and ten months on a  
17 leg monitor.

18 Q. Did you enter a guilty plea?

19 A. Yes, I did.

20 Q. What did you enter a guilty plea to?

21 A. Misprison of a felony.

22 Q. What is misprison of a felony?

23 A. Knowing when a felony is being committed and not reporting  
24 it.

25 Q. What felony did you know was being committed that you



KELIE BARNES - DIRECT (By Ms. Harris)

1311

1 didn't report?

2 A. I presumed that my brother and my boyfriend -- or my kids'  
3 father at that time -- was making drugs.

4 Q. And you didn't report them to anybody, any law enforcement?

5 A. No, I didn't.

6 Q. Is that what you pled guilty to?

7 A. Yes.

8 Q. And what was your sentence?

9 A. Three years probation and ten months on leg monitor.

10 Q. And what's a leg monitor?

11 A. It was just a device I put on my leg, and they knew where I  
12 was at all times.

13 Q. When did you plead guilty? Do you recall?

14 A. I believe it was in 2000.

15 Q. Did you complete your three years of probation?

16 A. No, I was sent to prison.

17 Q. You got revoked?

18 A. Yes.

19 Q. What does that mean?

20 A. That I failed to complete the probation and they sent me to  
21 prison.

22 Q. How did you fail to complete the probation?

23 A. I failed UAs.

24 Q. What's a UA?

25 A. Um --

KELIE BARNES - DIRECT (By Ms. Harris)

1312

1 Q. A urinalysis test?

2 A. Yes.

3 Q. So were you doing drugs while you were on probation?

4 A. At that time, yes.

5 Q. And what drugs were you doing while you were on probation?

6 A. Just methamphetamine.

7 Q. And so did you get sent to prison?

8 A. Yes, I did.

9 Q. How long did you get sent to prison for?

10 A. I got revoked twice.

11 Q. Okay.

12 A. The first time was six months and then the second time I  
13 was sent to a rehab. And I wasn't on drugs, I had just gotten  
14 a job and instead of taking the bus, I rode with my brother and  
15 I told them that I took the bus because I didn't have enough  
16 time to get on the bus. That's why I was sent to prison. The  
17 second time I did a year.

18 Q. You were sent to prison, was that because you lied to the  
19 probation officer? Is that what you're saying?

20 A. No, I lied to the rehab. It was a new rehab that just  
21 opened at the old ADC.

22 Q. And so the second time you went to prison was not for  
23 drugs?

24 A. No, I was sent to rehab for a dirty UA.

25 Q. Okay.

KELIE BARNES - DIRECT (By Ms. Harris)

1313

1 A. But I was not doing drugs in the rehab.

2 Q. Okay. And then you got sent to prison why?

3 A. For lying to them about taking -- going with my brother.

4 Q. You weren't supposed to be around anybody that was involved  
5 in drugs?

6 A. No, they had came to pick me up to take me to work, and  
7 they didn't have verification with them, like the insurance,  
8 because they had just bought the car, and I was supposed to  
9 take the bus and I didn't have enough time so I just told them  
10 I was going to take the bus, because it was my first day at the  
11 job.

12 Q. How much prison time did you end up serving related to all  
13 of this?

14 A. 18 months.

15 Q. How much?

16 A. 18 months.

17 Q. And where did you serve that time?

18 A. At Fort Worth, Texas.

19 Q. When did you get out?

20 A. 2003 the second time.

21 Q. What about the first time?

22 A. 2001, I believe.

23 Q. Did you continue to have problems with drug use after you  
24 got out of prison in Fort Worth?

25 A. Yes, I did.

KELIE BARNES - DIRECT (By Ms. Harris)

1314

1 Q. If you would, tell the jury about that.

2 A. I used methamphetamine up until 20-- to November of 2005  
3 and I went to drug court.

4 Q. What happened in November of 2005 that made you stop using  
5 methamphetamine?

6 A. I got into drug court and I went AWOL and they put me in  
7 jail for 75 days, and then they sent me to a rehab in Norman  
8 and I got clean off methamphetamine through drug court.

9 Q. How long with were you in drug rehab in Norman?

10 A. 28 days, but I spent 75 days in jail.

11 Q. Before that or after that?

12 A. It was all in the same time. I spent 75 days and I went  
13 straight from there to Norman to a drug rehab.

14 Q. And you completed that drug rehab?

15 A. Yes, I did.

16 Q. About when? When did you complete that, do you remember?

17 A. It was February of 2005.

18 Q. Okay. Since you completed rehab in Norman in '05, have you  
19 used methamphetamine?

20 A. No, I haven't.

21 Q. Have you used any drugs?

22 A. No.

23 Q. Have you sought any sort of treatment for drug problems  
24 since your release from rehab?

25 A. No. I was in drug court until July of 2007 when I

KELIE BARNES - DIRECT (By Ms. Harris)

1315

1 graduated.

2 Q. And from '05 to '07 were you monitored and supervised?

3 A. I took random UAs all the time.

4 Q. Did you ever fail any of those?

5 A. No.

6 Q. Are you clean as you sit up here today and talk to this  
7 jury?

8 A. Yes, yes, I am.

9 Q. Any other convictions that you haven't told the jury about?

10 A. No. I just got in trouble with going to drug court in  
11 2004, and that was possession of CDS, and that's when I got to  
12 drug court.

13 Q. And that's a controlled substance, and was that  
14 methamphetamine?

15 A. Yes.

16 Q. That's how you ended up in drug court?

17 A. Yes.

18 Q. Was your sister Larita a drug user?

19 A. Yes, she was.

20 Q. Did she sell drugs?

21 A. Not that I know of.

22 Q. Did you ever see her sell drugs?

23 A. No, I did not.

24 Q. Let me ask you about May 8, 2007. Do you remember May 8,  
25 2007?

KELIE BARNES - DIRECT (By Ms. Harris)

1316

1 A. Absolutely.

2 Q. How do you remember May 8, 2007?

3 A. The reason why I remember May 8 of 2007 is because I was at  
4 work, and it just so happened that would be the day that we got  
5 the new registers and I came in -- usually we get there at  
6 nine, but we came that day one hour early, which would have  
7 been eight o'clock. I think I checked in at 8:15.

8 Q. Where were you working in May of 2007?

9 A. Charlie's Chicken.

10 Q. Where is Charlie's Chicken?

11 A. 61st and Sheridan.

12 Q. How long did you work at Charlie's Chicken?

13 A. Almost four years.

14 Q. Okay. Who was your boss, your immediate boss at Charlie's  
15 Chicken?

16 A. Ashley Balocca.

17 Q. Ashley Balocca?

18 A. Uh-huh.

19 Q. Was -- did you also associate the date May 8th with  
20 anybody's birthday in your family?

21 A. My sister's birthday was May 7th.

22 Q. Your sister Larita?

23 A. Yes.

24 Q. Do you remember doing anything the day before for her  
25 birthday?

KELIE BARNES - DIRECT (By Ms. Harris)

1317

1 A. Yes. We had a birthday party for her.

2 Q. Who is "we"?

3 A. Everybody. The whole family. I have a lot of family.

4 Q. Where was that birthday party?

5 A. At my sister's Tammy's house.

6 Q. Now, you indicated that there was a change in the registers  
7 on May 8th?

8 A. Yeah. We went from just having like just regular registers  
9 to touch, like computers.

10 Q. And why did that mean you had to go in early?

11 A. Because we had to learn them. We had to actually learn  
12 them before the customers came in.

13 Q. Now, are you aware that your father Larry Barnes, Sr., and  
14 your sister Larita Barnes were indicted related to an alleged  
15 drug buy that supposedly took place at their house on May 8,  
16 2007?

17 A. I am aware of that.

18 Q. Are you aware that there was testimony in that trial from  
19 Ryan Logsdon that when the drug buy took place you were at the  
20 Barnes house?

21 A. Yes.

22 Q. And are you aware that Ryan Logsdon testified that you were  
23 there at the time of the buy with your children?

24 A. Yes.

25 Q. Do you recall what day of the week May 8th was of 2007?

KELIE BARNES - DIRECT (By Ms. Harris)

1318

1 A. I'm going to say it was on a Tuesday. I don't recall the  
2 day.

3 Q. I think there has been -- actually been testimony about  
4 that.

5 A. Okay.

6 Q. Did you have children at that time?

7 A. Yes.

8 Q. How many?

9 A. Four.

10 Q. In May of 2007, how old were your children? I'm asking you  
11 to do math and I apologize for that.

12 MR. WYATT: Your Honor, I object to the relevance.

13 THE COURT: Overruled.

14 Q. (By Ms. Harris) Go ahead.

15 A. In 2007, I have a -- my son would have been 11, I believe.  
16 My daughter would have been eight. This would have been four  
17 years ago?

18 Q. That's correct.

19 A. Four years ago. Okay. My daughter would have been seven,  
20 and my son would have been two. I had two daughters and two  
21 sons, so Katelyn would have been -- she just turned 12 -- she's  
22 11 -- so she would have been seven. Kirsten would have been --  
23 she would have been five. And Dallas would be two.

24 Q. So 11, 7, 5 and 2 would have been their ages at that time?

25 A. Yes.



KELIE BARNES - DIRECT (By Ms. Harris)

1319

1 Q. Were any of your children at that time in school?

2 A. Yes.

3 Q. Where did they go to school?

4 A. McKinley elementary.

5 Q. And was May the 8th, 2007 a school day?

6 A. Yes, it was.

7 Q. And which of your children were at McKinley elementary that  
8 day?

9 A. Jeremiah, Katelyn and Kirsten.

10 Q. What about your youngest child?

11 A. I took him to daycare before I went to work.

12 Q. What time did you arrive at work that day?

13 A. I arrived at 8:15 because my son was crying because he  
14 didn't want me to leave the daycare. I was supposed to be  
15 there at eight o'clock.

16 Q. So you were a little bit late that day?

17 A. I was about 15 minutes late, yeah.

18 Q. What hours did you work that day?

19 A. I was supposed to work until four. I believe I worked  
20 until five.

21 Q. Did you leave Charlie's Chicken that day from the time you  
22 arrived at 8:15 until the time you left?

23 A. I didn't leave until -- yes, I never left.

24 Q. You never left that day?

25 A. No, huh-uh.

KELIE BARNES - DIRECT (By Ms. Harris)

1320

1 Q. Did you take a break at any time that day and leave the  
2 building?

3 A. We take a -- no.

4 Q. What were you going to say about "we take a"?

5 A. We take a 15-minute break. It doesn't matter how many  
6 hours we work, we just take a 15-minute break, we don't clock  
7 out, and we just eat something off the -- we eat whatever is on  
8 the line. Whatever, you know -- and we sit in the lobby.

9 Q. Did you actually have to physically clock in and clock out  
10 that day?

11 A. Yeah, we clock in with our fingerprints because we got new  
12 registers.

13 Q. So if you clocked in you had to -- tell the jury how you  
14 did that.

15 A. We just put our index finger and we clock in and it would  
16 clock us in, and when we clock out, we have to use our  
17 fingerprint to clock back out.

18 Q. Could anybody else clock in or out for you?

19 A. No, it's your fingerprint, so it would have to be you.

20 Q. All right. On any day that you worked, were you ever  
21 authorized to leave during the lunch hour?

22 A. No.

23 Q. Why?

24 A. We only took a 15-minute break and we just -- we never  
25 left.

KELIE BARNES - DIRECT (By Ms. Harris)

1321

1 Q. Okay.

2 A. If you wanted to take a 30-minute break, you could clock  
3 out and leave, but nobody ever did it. And we wasn't even  
4 given that permission until like a couple -- like a year later?

5 Q. Did you leave Charlie's Chicken that day, May 8, 2007, and  
6 go to Larry Barnes' house during the noon hour?

7 A. No.

8 Q. Did you go to Larry Barnes's house, your father's house, on  
9 May 8, 2007 at any time before you left work the day of May 8,  
10 2007?

11 A. Absolutely not, no.

12 Q. Did you have your children at Larry Barnes' house on May 8,  
13 2007 during the daytime hours?

14 A. No.

15 Q. Do you know Ryan Logsdon?

16 A. I know of him.

17 Q. Did you see him make a buy of methamphetamine at your  
18 parents' house on May 8, 2007?

19 A. No.

20 Q. Did you ever -- have you ever seen him come to the Barneses  
21 house?

22 A. No.

23 Q. Now your sister and father went to trial, did they not, on  
24 their indictment?

25 A. Yes.

KELIE BARNES - CROSS (By Mr. Wyatt)

1322

1 Q. Did you testify at that trial?

2 A. No, I didn't.

3 Q. Do you know why?

4 A. Probably because I was working.

5 Q. Were you --

6 A. I don't think they even had me to testify. They never  
7 asked me to testify.

8 MS. HARRIS: May I have a moment, Your Honor?

9 THE COURT: You may.

10 MS. HARRIS: Pass the witness.

11 THE COURT: We'll take our afternoon recess. We'll be  
12 in recess until 3:15.

13 (A RECESS WAS HAD, AFTER WHICH THE FOLLOWING PROCEEDINGS  
14 WERE HAD IN OPEN COURT, WITHIN THE PRESENCE AND HEARING OF THE  
15 JURY:)

16 THE COURT: Court is back in session.

17 Cross-examination?

18 CROSS-EXAMINATION

19 BY MR. WYATT:

20 Q. Would it be a fair statement that you love your father?

21 A. Yes.

22 Q. Fair statement that you love your sister, Larita?

23 A. Yes.

24 Q. Now, you mentioned that you attended a birthday party on  
25 May 7, 2007; is that correct?

KELIE BARNES - CROSS (By Mr. Wyatt)

1323

1 A. Yes.

2 Q. And that you specifically remember that and remember going  
3 to your sister's birthday party?

4 A. Yes.

5 Q. You didn't come into the court and testify about being at  
6 your sister's birthday party when your sister and father were  
7 on trial, did you?

8 A. No.

9 Q. In fact, nobody from the family came in and mentioned a  
10 birthday party, did they?

11 A. I wasn't at the trial.

12 Q. Okay. You have no knowledge of anyone doing that, do you?

13 A. I do remember hearing them -- I remember the birthday  
14 party.

15 Q. Okay. Fair enough.

16 Now, do you know what testimony, if any, that Jeff  
17 Henderson gave at your sister's trial?

18 A. I wasn't at the trial.

19 Q. So you wouldn't have any dispute over whether he even  
20 mentioned your name?

21 A. I wouldn't know.

22 Q. And --

23 MR. WYATT: May I approach, Your Honor?

24 THE COURT: You may.

25 MR. WYATT: Exhibit 27-c, page 2.

KELIE BARNES - CROSS (By Mr. Wyatt)

1324

1 Q. (BY MR. WYATT) Would you just scan through that --  
2 MS. HARRIS: Is that ours?  
3 MR. WYATT: Yes, government's exhibit 27-c, page 2.  
4 MS. HARRIS: Is that admitted?  
5 MR. WYATT: I believe it has been.  
6 THE DEPUTY COURT CLERK: Is it plaintiff's or  
7 defendant's?  
8 MR. WYATT: Government's.  
9 THE DEPUTY COURT CLERK: Government's. All right.  
10 MS. HARRIS: We don't have a 27-c is why I'm asking.  
11 MR. WYATT: A TRACIS report.  
12 THE DEPUTY COURT CLERK: It's not on the list.  
13 THE COURT: It's not been admitted by our records.  
14 MR. WYATT: Okay.  
15 A. Are you asking if my name is in here?  
16 Q. (BY MR. WYATT) Yes, ma'am.  
17 A. Not that I'm aware of. I may need to read the whole thing  
18 but, scanning through it, no, I didn't see my name.  
19 Q. Okay. Now, when you were arrested and convicted in federal  
20 court, there was actually -- the investigation actually had its  
21 own name, didn't it? It was called the barnstormer case,  
22 wasn't it?  
23 A. Not that I believe.  
24 Q. Do you know what a presentence investigation report is?  
25 A. Yes, I do.

KELIE BARNES - CROSS (By Mr. Wyatt)

1325

1 Q. And you had a presentence investigation report in your  
2 case, didn't you?

3 A. Yes.

4 Q. And in the presentence investigation report, was it true  
5 that it said, "Kelie served a federal sentence out of  
6 barnstormer I and was released"? Do you know anything about  
7 that?

8 A. No, I don't remember.

9 Q. Okay. Fair enough.

10 You said your sister doesn't sell drugs, Larita?

11 MS. HARRIS: I don't think that's what she said, Your  
12 Honor. I object.

13 Q. (BY MR. WYATT) Does your sister, Larita, sell drugs?

14 A. Not that I've seen, no. I could say that I have never seen  
15 her sell any kind of drugs.

16 Q. Okay. And are you aware of whether she obtains her income  
17 from the sale of drugs?

18 A. Not that I'm aware of.

19 Q. Is your father a drug dealer?

20 A. Absolutely not.

21 Q. And are you aware of him receiving any income from the sale  
22 of drugs?

23 A. No.

24 Q. Have you ever observed Ryan Logsdon in the house on Newton  
25 Street, 7116, purchasing or selling drugs?

KELIE BARNES - CROSS (By Mr. Wyatt)

1326

1 A. No.

2 Q. Do you know Ryan Logsdon?

3 A. I just know of him because my sister went to school with  
4 him. I've seen him a few times, years and years ago.

5 Q. Now, your sister has been convicted of a number of drug  
6 crimes, hasn't she?

7 A. A few, yes.

8 Q. And when I say "your sister," I'm referring to Larita  
9 Barnes.

10 A. I figured that.

11 Q. Okay. And does she go by another name? Maybe Larita  
12 Clark?

13 A. Yeah, she is Larita Clark.

14 Q. Does she go by any other names?

15 A. Just Barnes.

16 Q. Just Barnes or Clark?

17 A. Uh-huh.

18 Q. Okay. And that's the sister that you know of who has  
19 convictions for -- or drug convictions?

20 A. Yes.

21 Q. Okay. Does your sister use drugs, Larita?

22 A. Back several years ago, yes.

23 Q. So she's clean today too?

24 A. Yes.

25 MR. WYATT: May I have a moment, Your Honor?



KELIE BARNES - CROSS (By Mr. Allen)

1327

1 THE COURT: You may.

2 MR. WYATT: That's all I have, Your Honor.

3 THE COURT: Mr. Allen?

4 CROSS-EXAMINATION

5 BY MR. ALLEN:

6 Q. Very quickly. Do you know Bill Yelton?

7 A. No.

8 MR. ALLEN: No other questions.

9 THE COURT: Redirect?

10 MS. HARRIS: No, Your Honor. May this witness be  
11 excused?

12 THE COURT: You may step down, Ms. Barnes. Any reason  
13 that she may not be excused?

14 MR. WYATT: No, Your Honor.

15 MR. ALLEN: No, Your Honor.

16 THE COURT: You are released from your subpoena.  
17 Call your next witness.

18 MS. HARRIS: Your Honor, the United States calls  
19 Ashley Balocca.

20 MR. ALLEN: May we approach?

21 THE COURT: Yes, sir.

22 (THE FOLLOWING PROCEEDINGS WERE HAD AT THE BENCH, OUT OF  
23 THE HEARING OF THE JURY:)

24 MR. ALLEN: Your Honor, I'm not sure of the relevance  
25 of this witness. The previous witness, we saw her testify that

1 she didn't testify at the last trial but Jeff Henderson didn't  
2 testify about her being there at the last trial. I don't  
3 really understand the relevance of this witness.

4 MS. HARRIS: This witness was Kelie Barnes' manager at  
5 Charlie's Chicken. We'll show the documentation, we will offer  
6 into evidence the documents verifying she was not at the  
7 Barnes' residence on May 8th, 2007. Ms. Barnes has testified  
8 to that but this witness is simply to corroborate it with the  
9 documentation, and that, of course, refutes what the testimony  
10 was of Ryan Logsdon.

11 THE COURT: You want to stipulate to that?

12 MR. ALLEN: That --

13 THE COURT: Kelie Barnes was not at the house.

14 MR. ALLEN: I would stipulate that the record shows  
15 that. I mean, there's --

16 MS. HARRIS: I would prefer to offer it through the  
17 witness, Your Honor.

18 THE COURT: Let's do it briefly.

19 MS. HARRIS: It will be quick.

20 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITHIN  
21 THE PRESENCE AND HEARING OF THE JURY:)

22 THE COURT: Please come up and take the oath.

23 (WITNESS SWORN)  
24  
25

ASHLEY BALOCCA - DIRECT (By Ms. Harris)

1329

1                                   ASHLEY BALOCCA,  
2   being first duly sworn to testify the truth, the whole truth,  
3   and nothing but the truth, testified as follows:  
4                                   DIRECT EXAMINATION  
5   BY MS. HARRIS:  
6   Q.   Good afternoon.  
7   A.   Good afternoon.  
8   Q.   Can you please state your name.  
9   A.   Ashley Balocca.  
10   Q.   And how do you spell your last name?  
11   A.   B-A-L-O-C-C-A.  
12   Q.   And in May of 2007, Ms. Balocca, did you work at Charlie's  
13   Chicken?  
14   A.   Yes, I did.  
15   Q.   And what was your job there?  
16   A.   I was the manager.  
17   Q.   And did Kelie Barnes work for you at that time?  
18   A.   Yes, she did.  
19   Q.   And what was her job there?  
20   A.   She was an assistant manager.  
21   Q.   As part of your job as the manager, did you make  
22   assignments of job duties for the employees?  
23   A.   Yes, I did.  
24   Q.   All right. And at Charlie's Chicken, did you have a system  
25   by which employees would clock in and clock out?

ASHLEY BALOCCA - DIRECT (By Ms. Harris)

1330

1 A. Yes.

2 Q. And was there something unique about May 8th, 2007, with  
3 regard to your system?

4 A. Yes. We got new registers that day where you had to clock  
5 in and out with a fingerprint.

6 Q. Okay. And can you describe just a little bit how that  
7 worked?

8 A. Okay. Well, just whenever you first get there, of course,  
9 you have to go up there and there's this little thing that  
10 reads your fingerprint and you just put your finger on there.  
11 No one else can clock in for you. You have to do it yourself.  
12 It clocks you in. And then whenever you leave, you press it  
13 and it clocks you out.

14 Q. And you made shift assignments; is that right?

15 A. Yes.

16 Q. All right. And are there payroll records that would  
17 reflect when employees were working or how many hours an  
18 employee would have worked on a specific date?

19 A. Yes. It kept track of all of that.

20 Q. Okay.

21 MS. HARRIS: Your Honor, I would like to offer into  
22 evidence exhibit 29. Is there any objection?

23 MR. WYATT: Object as to relevance, Your Honor.

24 THE COURT: Overruled. It will be admitted.

25 MS. HARRIS: We're going to put up on the screen in

ASHLEY BALOCCA - DIRECT (By Ms. Harris)

1331

1 front of you exhibit 29.

2 Have you reviewed, prior to your testimony today, the  
3 records from Charlie's Chicken related to Tuesday, May 8th,  
4 2007?

5 A. Yes.

6 Q. Okay. And are you familiar with the record which is in  
7 front of you on the screen right now, which is the first page  
8 of government's exhibit 29?

9 A. Yes.

10 Q. Okay. What is that?

11 A. It's our shift assignment for May 8th.

12 Q. 2007?

13 A. 2007.

14 Q. Is Kelie Barnes' name on that shift assignment?

15 A. Yes, it is.

16 Q. Okay. Where is it on the left-hand side?

17 A. It's at the bottom right underneath Dorothy.

18 Q. Okay. And what is her assignment on that date?

19 A. She was cashier 2.

20 Q. All right. And then over on the right-hand side of that  
21 page, is Kelie Barnes' name on there?

22 A. Yes, it is.

23 Q. Where is it?

24 A. Under Dorothy again.

25 Q. Okay. And what were her assigned hours on May 8th, 2007?

ASHLEY BALOCCA - DIRECT (By Ms. Harris)

1332

1 A. 8 to 5:30.

2 Q. Okay.

3 MS. HARRIS: Can we go to the next page, please. And  
4 can you highlight just the few on the top? And we'll go  
5 across.

6 Q. (BY MS. HARRIS) Do you see on the top there, it says,  
7 "Work week, 5-7-07 through 5-13-07"?

8 A. Yes.

9 Q. What is this document?

10 A. It is just payroll, keeping track of our hours.

11 Q. All right. Does that payroll include the hours worked on  
12 May 8th, Tuesday, May 8th, 2007?

13 A. Yes.

14 Q. And does that show the hours that Kelie Barnes worked on  
15 that date?

16 A. Yes.

17 Q. What were the number of hours she worked on that date?

18 A. 8.75.

19 MS. HARRIS: Can we go to the next page? Can you  
20 highlight the bottom block.

21 Q. (BY MS. HARRIS) Do you recognize this document?

22 A. Yes.

23 Q. What is it?

24 A. That is -- it's just everything broke down, what day you  
25 clocked in and out, what time, how many hours you worked.

ASHLEY BALOCCA - DIRECT (By Ms. Harris)

1333

1 Q. So would the third page of government 29 identify the  
2 clock-in and clock-out times for Kelie Barnes for May 8th,  
3 2007?

4 A. Yes.

5 Q. And is that shown on the screen there?

6 A. Yes.

7 Q. What time did Kelie Barnes clock in?

8 A. At 8:15 a.m.

9 Q. And was that using this fingerprint system?

10 A. Yes.

11 Q. What time did she clock out that day?

12 A. 5:15 p.m.

13 Q. All right. Now, let's go to the next page. Okay. What is  
14 this?

15 A. That is our work schedule.

16 Q. All right.

17 MS. HARRIS: And can you highlight the first part of  
18 that?

19 Q. (BY MS. HARRIS) What week does that cover?

20 A. The week of May 7th through May 13th.

21 Q. Is Kelie Barnes on that?

22 A. Yes.

23 Q. What does it show that her scheduled work hours were for  
24 May 8th?

25 A. It was 8 to 4.

ASHLEY BALOCCA - DIRECT (By Ms. Harris)

1334

1 Q. But she worked longer hours than scheduled?

2 A. Yes. And everyone's hours are changed because we got our  
3 new registers, so everyone had to come in an hour earlier.  
4 Normally we don't get there until 9, so...

5 Q. Was a change made on that 8? Was it originally a 9?

6 A. Yes, it was originally a 9. And I had to keep her late  
7 because I needed help showing everyone how to use the registers  
8 that night.

9 Q. All right. Now, if Kelie Barnes -- well, first of all,  
10 what breaks are given to employees during the routine work day?

11 A. When are they given?

12 Q. Yes, ma'am.

13 A. From 1 to 2.

14 Q. Okay. Did Kelie Barnes leave work that day during the noon  
15 hour?

16 A. No.

17 Q. How do you know that?

18 A. Because you're not allowed to take breaks at noon.

19 Q. Were you working at that time?

20 A. Yes, I worked all day that day.

21 Q. Would you have known if she had left?

22 A. Oh, yes, definitely.

23 Q. And why do you say, "Oh, yes"?

24 A. Because we were very busy from that time, from about 11 to  
25 2 we were really, really busy.



ASHLEY BALOCCA - CROSS (By Mr. Wyatt)

1335

1 MS. HARRIS: That's all I have. Thank you.

2 THE COURT: Any questions, Mr. Wyatt?

3 MR. WYATT: Yes, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. WYATT:

6 Q. Did you testify in April, around April 21st, 22nd, 23rd of  
7 2008, in a trial of United States of America vs. Larry Barnes  
8 or Larita Barnes?

9 A. Yes.

10 Q. And do you know whether Officer Henderson ever mentioned  
11 Kelie Barnes in his testimony?

12 A. I'm not aware of anything to do with that, no.

13 Q. Have you ever seen any police reports where Officer  
14 Henderson said that he saw Kelie Barnes?

15 A. No.

16 Q. Do you know or have any knowledge, any personal knowledge,  
17 of what Larita Barnes does while Kelie's at work?

18 A. No.

19 Q. Do you know what Larry Barnes does while Kelie's at work?

20 A. No.

21 Q. In fact, do you even know if Kelie lives with Larry and  
22 Larita?

23 A. Not 100 percent certain, no.

24 Q. Okay. So you have no knowledge what she does outside of  
25 her work?

JAMES FUE - DIRECT (By Ms. Duke)

1336

1 A. No.

2 MR. WYATT: Nothing further, Your Honor.

3 THE COURT: Mr. Allen?

4 MR. ALLEN: No questions, Your Honor.

5 THE COURT: Redirect?

6 MS. HARRIS: No, Your Honor. May this witness be  
7 excused?

8 THE COURT: Yes, ma'am, unless there's an objection.

9 MR. WYATT: No objection.

10 THE COURT: You may step down, Ms. Balocca.  
11 You may call your next witness.

12 MS. DUKE: James Fue, Your Honor.

13 THE DEPUTY COURT CLERK: Mr. Fue, I need you to stand  
14 and raise your right hand as best you can.

15 (WITNESS SWORN)

16 JAMES FUE,  
17 being first duly sworn to testify the truth, the whole truth,  
18 and nothing but the truth, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. DUKE:

21 Q. Could you state your name, please.

22 A. James Fue.

23 Q. Okay. Mr. Fue, I'm going to ask you to please scoot up  
24 towards the microphone, if you could, sir, and speak loudly and  
25 clearly into it.

JAMES FUE - DIRECT (By Ms. Duke)

1337

1 How do you spell your last name?

2 A. F-U-E.

3 Q. And how old are you, sir?

4 A. 32.

5 Q. Okay. I'm still having a little bit of difficulty hearing  
6 you. Could you speak up, please.

7 A. 32.

8 Q. Okay. And where are you from, Mr. Fue?

9 A. Tulsa.

10 Q. Have you lived in Tulsa your entire life?

11 A. Off and on, yes.

12 Q. And you're obviously presently incarcerated; is that  
13 correct?

14 A. Yes. This is not my everyday attire.

15 Q. Okay. Where are you incarcerated, sir?

16 A. William S. Keys Correctional Center.

17 Q. And where is William S. Keys Correctional Center?

18 A. Ft. Supply, near the panhandle.

19 Q. Okay. And what are you serving a term of imprisonment for?

20 A. Possession of marijuana with intent. A four-year sentence.

21 Q. Okay. And was that a state or federal conviction?

22 A. State.

23 Q. Okay. Other than your possession with intent to distribute  
24 marijuana, do you have any other felony convictions?

25 A. Yes, ma'am. Possession and false impersonation.

JAMES FUE - DIRECT (By Ms. Duke)

1338

1 Q. Okay. Possession of what?

2 A. CDS.

3 Q. What is CDS?

4 A. Controlled dangerous substance.

5 Q. Okay. And then you said false impersonation?

6 A. Yes, ma'am.

7 Q. Okay. Did the possession of CDS and the false  
8 impersonation, was that a single case or separate cases?

9 A. They're the same -- at the same time, yeah, same case.

10 Q. When did you get those charges?

11 A. 2002.

12 Q. Okay. Mr. Fue, I want to take you back to early last year,  
13 in 2010.

14 A. Yes, ma'am.

15 Q. In early 2010, did you come to be in some trouble with the  
16 law?

17 A. Yes, ma'am.

18 Q. Okay. What happened in early 2010?

19 A. I was on probation for the charges that I'm serving a  
20 prison term for now and some warrants were put out for my  
21 arrest. I was pulled over and I had some marijuana in the car  
22 with me.

23 Q. Okay. Who were you pulled over by?

24 A. Tulsa Police Department.

25 Q. Okay. As a result of that traffic stop, did you get any

JAMES FUE - DIRECT (By Ms. Duke)

1339

1 charges?

2 A. Besides the marijuana? No.

3 Q. Did you get charges for the marijuana you had during that  
4 traffic stop?

5 A. Yes, ma'am.

6 Q. Okay. Were those state or federal charges?

7 A. They was state.

8 Q. Okay.

9 A. But they then -- the result of an apartment that they said  
10 I was leaving, they searched it and found a firearm, so like  
11 two weeks after I bonded out it turned into a federal charge  
12 and I was picked up by the U.S. federal marshals.

13 Q. Okay. And so this would have been, what, in January or  
14 February of last year?

15 A. No, that would have been like late February, yeah.

16 Q. Okay. And in February of 2010, did you get a lawyer on  
17 those federal charges?

18 A. Yes, ma'am.

19 Q. Who's your lawyer?

20 A. Stephen Greubel.

21 Q. Did you say Greubel?

22 A. Yes, ma'am.

23 Q. Okay. And while Mr. Greubel was representing you, did he  
24 get the paperwork on your case?

25 A. Yeah. Yes, ma'am, he did.

JAMES FUE - DIRECT (By Ms. Duke)

1340

1 Q. Did you have the opportunity to go over that paperwork with  
2 Mr. Greubel?

3 A. Yes, ma'am.

4 Q. Did you notice anything odd about that paperwork?

5 A. Yeah; one officer that was present at the time wasn't on  
6 the paperwork anywhere.

7 Q. Okay. And who was that Officer Henderson?

8 A. Jeff Henderson.

9 Q. Okay. Had you known Jeff Henderson prior to --

10 A. Yes, ma'am.

11 Q. Let me finish my question, okay?

12 Prior to early 2010, did you know Jeff Henderson?

13 A. Yes, ma'am.

14 Q. How did you know Jeff Henderson?

15 A. He's the result -- him and Officer Sticks, as I thought his  
16 name was, that was the result of my first felony conviction.

17 Q. Okay. You mentioned the name Sticks; is that right?

18 A. Yes, ma'am.

19 Q. Do you know a Tulsa Police officer that goes by the name  
20 Sticks?

21 A. Yes, ma'am. I just found that out though.

22 Q. I'm sorry. You just found what out?

23 A. That his name ain't really Sticks. I was always under the  
24 impression that his real name was Sticks, that was his real  
25 last name.

JAMES FUE - DIRECT (By Ms. Duke)

1341

1 Q. And have you since found out what his true last name is?

2 A. Yes. Larkin.

3 Q. Larkin?

4 A. Yes, ma'am.

5 Q. Okay. So you knew Jeff Henderson and Officer Larkin prior  
6 to January of 2010; correct?

7 A. Yes, ma'am.

8 Q. And I think you said they were maybe on your first charge?

9 A. Yes, ma'am, they were.

10 Q. Okay. Now, in January of 2010, did you tell your attorney,  
11 Mr. Greubel, something about your prior dealings with Officer  
12 Henderson and Officer Larkin?

13 A. Yes, ma'am.

14 Q. What did you tell your attorney in January -- or in early  
15 2010?

16 A. That I know Mr. Henderson because he -- it's almost like he  
17 didn't -- like when I told them, "Man I know he was there,"  
18 like he almost didn't believe me like that I knew who he was.  
19 I'm like, "Yeah, I know him. I mean, I've been knowing him  
20 since like 2002 when they came in my neighborhood in an  
21 unmarked -- one was a green Aerostar van and a Grand Am and  
22 ramshacked {sic} us in a neighbor's house, you know. Sticks  
23 put some crumbs off in my pocket and told me, "I've got you  
24 now," you know what I'm saying? I've been dealing with him  
25 prior to that through the gang task force.

JAMES FUE - DIRECT (By Ms. Duke)

1342

1 Q. Okay. So you had had dealings with them over the years;  
2 correct?

3 A. Yeah.

4 Q. Okay. And so last year, when you got these charges, you  
5 noted, I think, that Mr. Henderson was not on your paperwork;  
6 correct?

7 A. Yeah, he wasn't nowhere on there. None of the officers --  
8 I looked at every officer's name on there and his wasn't on  
9 there.

10 Q. Okay. And did you bring that to the attention of your  
11 attorney?

12 A. Yes, sir -- yes, ma'am.

13 Q. Okay.

14 A. I apologize.

15 Q. And from your attorney, did you do anything further with  
16 that information?

17 A. Yeah, I told him because Henderson was the one who got me  
18 to sign the consent form for them to search the apartment  
19 because he explained to me, "Like you can't give consent to  
20 search somebody else's apartment, so go on ahead and sign it if  
21 you ain't really got nothing in there." He said, "What you got  
22 in there?" That's how the conversation -- he was like, "What  
23 you got in there? Why you don't want them to search it?" I  
24 told them, I was like, "Man there's a gun in there, you know."  
25 The gun was like special to me. So he was like, "Well, go on



JAMES FUE - DIRECT (By Ms. Duke)

1343

1 and sign the consent form, you know, because you can't give  
2 consent to search another person's house," so I went ahead and  
3 signed it.

4 Q. Did you also tell Mr. Greubel about an incident in fall of  
5 2005 involving Officers Henderson and Larkin?

6 A. Yes, ma'am, I did.

7 Q. And what was that incident involving in fall of 2005?

8 A. Officer Henderson and Sticks, they approached me at a  
9 convenience store at 54th and North Peoria --

10 Q. Okay.

11 A. -- and told me to take a ride with them. First, I'm like,  
12 "No, I ain't riding with y'all, you know." Henderson patted  
13 his gun like, "Yeah, you're going to ride with us." So I take  
14 a ride with them. They take us out -- They take me out to  
15 56 -- all the the way out 56th Street. I don't know the cross  
16 street but it's by the old Tulsa army gun range. That's the  
17 legal part. They got a -- there was a gun range right in that  
18 curve. They since then put white stone rocks there to make it  
19 where it's closed off. I mean, that's just to give a  
20 description of it. But he took me out there. There's a left  
21 you can make off of the 56th Street and go back around the back  
22 side and they took me out there and --

23 Q. Let me ask you this, Mr. Fue: How do you know that this  
24 took place in the fall of 2005?

25 A. Because I had got out of jail and bought a vehicle, a

JAMES FUE - DIRECT (By Ms. Duke)

1344

1 certain truck, and that's the truck that they picked me up in.

2 Q. Okay. And when Officers Henderson and Larkin picked you  
3 up, were they together or in separate vehicles?

4 A. No, they were together in an unmarked police car.

5 Q. Okay. And were you with anyone?

6 A. No, ma'am.

7 Q. And so they took you from this convenience store, I think  
8 you said near 54th and North Peoria?

9 A. Yes, ma'am.

10 Q. Okay. And where did you go? You said something about a  
11 gun range.

12 A. Yeah, a gun range out on 56th Street North.

13 Q. Okay. Did you voluntarily go with the officers?

14 A. No.

15 Q. How did they get you into the vehicle?

16 A. He patted his gun and let me know, that, "Yeah, you're  
17 riding with us." They the police; I mean, you've got to kind  
18 of do what they say.

19 Q. Okay. You say "he patted his gun." Who patted his gun?

20 A. Jeff Henderson.

21 Q. At that point in time had you done anything to get in  
22 trouble with the authorities?

23 A. I was on probation. Other than that, no. Like committed a  
24 crime at that time?

25 Q. Correct.

JAMES FUE - DIRECT (By Ms. Duke)

1345

1 A. No, ma'am.

2 Q. Okay. So you were just at this convenience store and they  
3 pick you up and take you with them; correct?

4 A. Yes, ma'am.

5 Q. And what happens out at the gun range?

6 A. They want some information. They want me -- They want  
7 information out of me about the inner workings of my  
8 neighborhood. A lot of us sell -- we partake in the sale of  
9 narcotics, so they want information.

10 Q. Okay.

11 A. They want to know stuff about certain people.

12 Q. Okay. Did you give them information?

13 A. I gave them some bogus stories, yeah.

14 Q. Okay.

15 A. Anything to get back to my truck and get out from out  
16 there.

17 Q. Okay.

18 A. He put his gun to my head. I mean, yeah, I told him -- I  
19 told him, "Whatever you want to hear."

20 Q. Who put his gun to your head?

21 A. Mr. Henderson.

22 Q. Okay. What time of day was this?

23 A. It was pitch black dark outside. I know it was after 8.

24 Q. Did anyone, to your knowledge, see you get in the vehicle  
25 with Officers Henderson and Larkin?

JAMES FUE - DIRECT (By Ms. Duke)

1346

- 1 A. No, ma'am.
- 2 Q. Okay. And when you were out at the gun range, did you see
- 3 anyone else there besides Officers Henderson and Larkin?
- 4 A. No, ma'am.
- 5 Q. No one came by that you saw?
- 6 A. No.
- 7 Q. How long were you at the gun range?
- 8 A. About 30, 45 minutes or so.
- 9 Q. Okay. Were you free to leave?
- 10 A. No, ma'am.
- 11 Q. How would you have left?
- 12 A. That's why I kind of gave the smirk, the look. I mean, how
- 13 was I going to leave? We got two officers there, one of them
- 14 got his gun out held on me.
- 15 Q. How long did Officer Henderson hold a gun on you?
- 16 A. I mean, I wasn't watching the clock or nothing.
- 17 Q. I mean, are we talking about an hour?
- 18 A. No; we wasn't out there an hour. We was out there about
- 19 30, 45 minutes. The first part of it was him talking, and I
- 20 keep on telling him, you know, sideways stories. He finally
- 21 get frustrated, you know, and said, "No, you're going to tell
- 22 us something today, and we want something real, not no
- 23 games. I'm tired of playing games with you."
- 24 Q. Were you playing games with them at that point?
- 25 A. I mean, of course. I'm not ever going to be a informant or

JAMES FUE - DIRECT (By Ms. Duke)

1347

1 a snitch. I mean, just like me sitting here now, I don't want  
2 to be here; I don't want to talk; I don't want to testify. I  
3 didn't want to be here.

4 Q. So why are you here, Mr. Fue?

5 A. Because by the good graces of an attorney, she sat and  
6 talked to me for about an hour and convinced me to come -- to  
7 go ahead and talk to the FBI. When the FBI set up their  
8 meeting, I thought I was done for a day or two. I didn't go  
9 see them.

10 Q. So let's go back to last spring when you tell Mr. Greubel  
11 this information.

12 A. Uh-huh.

13 Q. Does somebody suggest to you to tell the FBI about it?

14 A. Yes, ma'am.

15 Q. And what did you say in response?

16 A. No.

17 Q. Why?

18 A. Because I mean I don't -- I don't want to be here because I  
19 know the aftermath of this. The aftermath, after all this is  
20 said and done and y'all get y'all convictions or whatever, or  
21 not convicted or whatever, to be living in north Tulsa after  
22 this is over is going to be, pardon my French, as hell as y'all  
23 called it in the newspaper, the hell in north Tulsa, that's  
24 what it's going to result to, because the Tulsa Police  
25 Department are going to take retaliation. Of course, they is.

JAMES FUE - DIRECT (By Ms. Duke)

1348

1 I mean, --

2 Q. Is it your preference not to be here today, Mr. Fue?

3 A. Yes, ma'am. And that's what I discussed with my attorney.

4 I asked them, "Well, what if I choose not to testify?"

5 Q. And?

6 A. And she gave me the ins and outs if I chose not to.

7 Q. Okay.

8 A. But I went ahead. I mean, I started this so I might as  
9 well finish it. But, no, I really don't want to be here at  
10 all.

11 Q. Okay. Do you stand to gain any benefit as a result of your  
12 testimony today?

13 A. Yeah, I get to gain benefits. I get to get harassed in  
14 prison, like I have been since my day at the grand jury.  
15 That's the benefit I receive. I get to get harassed in  
16 prison. My peers all think I'm -- they think that I didn't  
17 tell on enough people and that's why I'm in prison. I get to  
18 think -- My son's mother, she thinks I'm telling on somebody.  
19 She don't know whether to stay with me or not be with me  
20 because she's scared. So that's the benefits I gain. I mean,  
21 if y'all call them benefits.

22 Q. Anybody promised you anything that might happen on your  
23 state sentence?

24 A. No, ma'am.

25 MS. DUKE: I have nothing further, Your Honor.

JAMES FUE - CROSS (By Mr. Wyatt)

1349

1 THE COURT: Cross-examination?

2 MR. WYATT: Yes, Your Honor. Thank you.

3 CROSS-EXAMINATION

4 BY MR. WYATT:

5 Q. Mr. Fue, you testified a moment ago that this event out at  
6 the old armory or gun club, whatever it is, that that occurred  
7 in 2005; that's correct?

8 A. Yes, sir.

9 Q. And that was your independent memory of that; is that  
10 correct?

11 A. Yes, sir.

12 Q. Now, at the grand jury, you actually testified that it was  
13 the early part of 2004 before you got out of prison; isn't that  
14 what you said?

15 A. Yeah, but I changed it later on.

16 Q. Well, you changed it later on when Ms. Duke corrected you;  
17 correct?

18 A. Yes.

19 Q. So Ms. Duke had to prompt you to give you the right date  
20 and time?

21 A. Yes -- no. No, sir, she didn't.

22 Q. Well, let me read just this to you.

23 A. I reread it too already. That's why I knew they later on I  
24 changed it.

25 Q. Well, let me read it to you.

JAMES FUE - CROSS (By Mr. Wyatt)

1350

1 "Q. Was there an occasion where you saw Sticks and  
2 Henderson that they took you somewhere?

3 "A." --

4 MS. DUKE: Your Honor, could I get a page reference,  
5 please?

6 MR. WYATT: Certainly. Page 16. The grand jury  
7 testimony, July 19, 2010.

8 Q. (BY MR. WYATT) Line 14:

9 "Q. Was there an occasion where you saw Sticks and  
10 Henderson that they took you somewhere?

11 "A. Yes, ma'am.

12 "Q. Tell us about that. When was this?

13 "A. The early part of 2004. The reason I know about  
14 it, because I just recently, I can put a -- pinpoint a date  
15 with that because I went to prison not too far afterwards.  
16 Anyway, I was at the same store, I had just -- it was later at  
17 night, later part of the night, probably like 9:30, 10, after  
18 dark.

19 "Q. Now, are you sure it wasn't later than 2004? Was  
20 it not after you were in prison? Got out about '05, '06?

21 "A. Okay, that's when my truck -- yes, ma'am, I  
22 got -- I bought -- got out, bought a truck with some drugs.

23 "Q. So you got out of prison when?

24 "A. Say, oh, not real, them dates because I don't  
25 keep up with it but I just in prison, so probably '05."



JAMES FUE - CROSS (By Mr. Wyatt)

1351

1 Is that your testimony?

2 A. Yes, sir.

3 Q. Is that what you read?

4 A. Yes, sir.

5 Q. So you would agree with me that you initially said to the  
6 grand jury that this happened in 2004 before you went to  
7 prison; correct?

8 A. Yes, sir.

9 Q. Then, upon the prompting from the prosecutor, you changed  
10 that to 2005; is that correct?

11 A. Yes, sir.

12 Q. And after you got out of prison; correct?

13 A. Yes, sir.

14 Q. And that is because, before the FBI when you were  
15 interviewed with them, you told the FBI agent it happened  
16 afterwards when you traded drugs for a pickup truck; correct?

17 A. Yes, sir.

18 Q. Now, you're a gang member?

19 A. Yes, sir.

20 Q. What gang?

21 A. Five-seven.

22 Q. Okay. And drug dealer?

23 A. Yeah.

24 Q. What do you deal?

25 A. Nothing at the moment.

JAMES FUE - CROSS (By Mr. Wyatt)

1352

- 1 Q. Understood. Fair enough.
- 2 What did you deal before you were arrested?
- 3 A. Drugs.
- 4 Q. What kind of drugs?
- 5 A. Various kinds.
- 6 Q. Could you identify what those are, please, sir?
- 7 A. Drugs.
- 8 Q. Cocaine?
- 9 A. Narcotics.
- 10 Q. Cocaine?
- 11 A. Illegal narcotics.
- 12 Q. Did you deal cocaine, sir?
- 13 A. I have.
- 14 Q. Methamphetamine?
- 15 A. I have.
- 16 Q. Crack?
- 17 A. Yeah.
- 18 Q. Both powder and crack?
- 19 A. Who?
- 20 Q. Powder?
- 21 A. Yeah.
- 22 Q. Marijuana?
- 23 A. Yes.
- 24 Q. Heroin?
- 25 A. No.

JAMES FUE - CROSS (By Mr. Wyatt)

1353

1 Q. Pills?

2 A. Yes.

3 Q. What kind of pills? Ecstasy, Xanax, prescription pills?

4 A. Pills.

5 Q. Amphetamines?

6 A. Pills.

7 Q. Barbiturates?

8 A. Pills.

9 Q. Okay. So you basically have dealt all kinds of drugs?

10 A. That's what I said.

11 Q. Okay. And how long have you been doing that?

12 A. Quite some time.

13 Q. Okay. Now, at the time that you claim you came into  
14 contact with Officer Henderson and Officer Larkin, in fact, you  
15 were in a park among a number of other gang members; correct?

16 A. No, sir.

17 Q. No?

18 A. No.

19 Q. And you deny having told the FBI that?

20 A. Yes. I was at a house.

21 Q. Okay. And you had gone out to the truck to move it to the  
22 other side of the street; is that right?

23 A. Yes, sir.

24 Q. And there were a number of other people out there just  
25 assembling; correct?

JAMES FUE - CROSS (By Mr. Wyatt)

1354

1 A. Yes, sir.

2 Q. And officers came up to you and they were questioning  
3 everybody; is that right?

4 A. No, they weren't questioning. They was drawing guns  
5 telling people to freeze and get on the ground.

6 Q. Okay. So when they came up there, they told you to freeze  
7 and get on the ground?

8 A. Yes, sir.

9 Q. And they drew their weapons?

10 A. Yes, sir.

11 Q. Now, are you telling -- let me ask you this: Did you tell  
12 the FBI agent that?

13 A. Yes, sir.

14 Q. And if I tell you there's nothing in the FBI report about  
15 the police officers drawing their weapons and putting you on  
16 the ground, would you dispute that?

17 A. No, because that doesn't mean -- I'm pretty sure I did  
18 though.

19 Q. Okay. I'm just asking: Would you dispute that, sir?

20 A. I'm pretty sure I did tell them that.

21 Q. Okay. And, in fact, you told the FBI that that night you  
22 were dealing marijuana; correct?

23 A. No, sir.

24 Q. But you deny having told Agents Kilpack and Agent Gary  
25 Graff, FBI agents, that on that night you were selling

JAMES FUE - CROSS (By Mr. Wyatt)

1355

1 marijuana but you were not in possession of cocaine?

2 A. Yes, sir.

3 Q. Okay. Now, tell the jury step by step -- well, let me ask  
4 you this: Did you say it was a marked car they took you out to  
5 this location in?

6 A. Unmarked. Unmarked.

7 Q. And have you previously said that it had "TPD" down the  
8 side of the car?

9 A. No, I said it didn't have "TPD" down the side of the car.

10 Q. Did not?

11 A. Yes, sir.

12 Q. It was a slick-top car? Didn't have lights or bars or  
13 anything like that?

14 A. No, sir.

15 Q. Okay. So this attorney, this female attorney that you said  
16 you talked to, that's Julie O'Connell, isn't it?

17 A. Yes, sir.

18 Q. That's the same attorney for Larry Barnes and Rochelle  
19 Martin?

20 A. I'm not aware of that, if she is or not.

21 Q. Okay. Now, tell the jury exactly what happened from the  
22 time you arrive at this location off of 56th Street out by the  
23 gun armory. Walk through every step of what happened at that  
24 point.

25 A. They got me out; start asking me a bunch of questions; I

JAMES FUE - CROSS (By Mr. Wyatt)

1356

1 kept feeding them different stories; Henderson got frustrated,  
2 pulled his gun and told me, "No, you're going to tell us  
3 something real today."

4 Q. He cocked his gun, didn't he?

5 A. Yes, sir.

6 Q. Put it up to your head and cocked it?

7 A. Yes, sir.

8 Anything else happen while you were out there?

9 A. No.

10 Q. Okay. Now, on that night that you were first arrested by  
11 Sticks and Henderson, you actually gave them a false name,  
12 didn't you?

13 A. No, sir, I didn't.

14 Q. You did not? You didn't give them your name backwards?

15 A. Yes, sir.

16 Q. Okay.

17 A. That's not a false name.

18 Q. Okay. And you were charged with false impersonation for  
19 that; correct?

20 A. Yes, sir.

21 Q. And you pled to that charge, didn't you?

22 A. Yes, sir.

23 Q. And in the charge it actually doesn't say "Fue, James." It  
24 says "Fred Jones," doesn't it?

25 A. Yes, sir.

JAMES FUE - CROSS (By Mr. Wyatt)

1357

1 Q. Okay. And that's what you pled guilty to?

2 A. Yes, sir.

3 Q. And in the Oklahoma forms, when you plead guilty, it  
4 actually says on the form that, "I'm pleading guilty because I  
5 did the crime." Isn't that what it says?

6 A. Yes, sir.

7 Q. And it says, "I'm not pleading guilty because I've been  
8 coerced or put under duress or anybody made me do this." Isn't  
9 that right?

10 A. Yes, sir.

11 Q. And that's on the standard form and you've seen it before;  
12 right?

13 A. Yes, sir.

14 Q. And it says you've gone over that form with your lawyer?

15 A. Uh-huh.

16 Q. And that you've had an opportunity to have advice, and that  
17 you're happy with your lawyer?

18 A. Yes, sir.

19 Q. And that you've told your lawyer everything that you know  
20 about the case, and that you are satisfied with his or her  
21 advice?

22 A. Correct.

23 Q. And you have an opportunity to talk to the judge about that  
24 form before you enter the plea; correct?

25 A. Yes.

JAMES FUE - CROSS (By Mr. Wyatt)

1358

1 Q. In fact, the judge calls you up and asks you, "Is this your  
2 signature on the form?"

3 A. Yes, sir.

4 Q. And asks you, "Do you realize" -- as it says right here --  
5 "having been sworn before this court"?

6 A. Yes, sir.

7 Q. So the statement that you made to the court with respect to  
8 that false impersonation in saying that you were pleading to  
9 the name Fred Jones, that you were swearing to the judge that  
10 was a true and correct statement?

11 A. Correct.

12 Q. Okay. What you're telling us now is that was false?

13 A. I also filed the appeal part too where you -- where you  
14 only accept the plea.

15 Q. Yes, sir.

16 A. I also filed that too.

17 Q. So you filed notice of intent to appeal?

18 A. Yes, sir.

19 Q. Okay. But you actually have a conviction for that because  
20 you violated your sentence; correct?

21 A. No, because --

22 Q. Violated your probation?

23 A. -- they gave me a different lawyer and I was not contacted  
24 by the lawyer to make it to the court for the appeal part.

25 Q. So it didn't make it on time?



JAMES FUE - CROSS (By Mr. Wyatt)

1359

1 A. No, it did not.

2 Q. Okay. So you still have a conviction --

3 A. Yes, sir.

4 Q. -- For false impersonation?

5 A. Yes, sir.

6 Q. It was not reversed on appeal?

7 A. Yes, sir.

8 Q. Okay. And you understand that under Oklahoma's legal  
9 process, that when you miss that deadline, that you concede  
10 post-conviction relief; isn't that correct?

11 A. No, I did not know that.

12 Q. Okay. But you had a lawyer; correct?

13 A. Yes, sir.

14 Q. And that lawyer could have pursued whatever options were  
15 available, even though you don't know what they were?

16 A. He told me that there was nothing else that he could do.

17 Q. Okay. Now, this event that you've described was, if it's  
18 in 2004, was reported what year? 2010?

19 MS. DUKE: Objection, Your Honor. He said it was  
20 2005.

21 MR. WYATT: Well, I'm asking both ways, Your Honor.

22 THE COURT: All right. Why don't you just ask him --

23 Q. (BY MR. WYATT) Was it 2004 or 2005? What year did you --

24 A. I didn't report to it anyone.

25 Q. To 2010?

JAMES FUE - CROSS (By Mr. Wyatt)

1360

1 A. I didn't report it.

2 Q. Okay. Well, you reported it to Stephen Greubel, your  
3 lawyer?

4 A. He asked me some questions and I answered them.

5 Q. Okay. And that was in 2010?

6 A. Yes, sir.

7 Q. That's five or five-and-a-half or six years, depending on  
8 what year we're dealing with?

9 A. Yes, sir.

10 Q. Okay.

11 MR. WYATT: May I have just a moment, Your Honor?

12 THE COURT: Yes, sir.

13 Q. (BY MR. WYATT) What time of year were you out at the  
14 armory?

15 A. I don't recall.

16 Q. Winter, summer? Was it cold, not cold?

17 A. It wasn't cold.

18 Q. And you testified today, I believe, that that was around  
19 8:30?

20 A. No, I said it was after 8:30. It was after 8 o'clock  
21 because it was pitch black dark outside.

22 Q. Okay.

23 A. That's what I testified.

24 Q. All right. Just one moment, please, sir.

25 You described the car -- or actually I don't know that you

JAMES FUE - CROSS (By Mr. Wyatt)

1361

1 did. What did the car look like that the officers were  
2 driving?

3 A. Unmarked police car.

4 Q. What color?

5 A. Like a beige-ish gray.

6 Q. I'm sorry?

7 A. Like a beige-ish gray. A dark colored car.

8 Q. Okay. Beige or gray but it was dark colored?

9 A. Yeah, dark colored car.

10 Q. Do you have any idea about the make and model?

11 A. No, sir.

12 Q. Okay. What were the officers wearing?

13 A. I don't --

14 Q. A police uniform?

15 A. No; I ain't never seen Officer Henderson or Sticks in a  
16 police uniform ever.

17 Q. What were they wearing?

18 A. I know it wasn't no police uniform. I'm sure it was their  
19 gang insignia task force thing, the football jersey with "gang  
20 task force" on it.

21 Q. What color was it?

22 A. It was blue with yellow writing.

23 Q. All right. What color pants?

24 A. Who?

25 Q. What color pants?

JAMES FUE - REDIRECT (By Ms. Duke)

1362

1 A. I wasn't looking. I don't know.

2 Q. Okay.

3 MR. WYATT: Nothing further, Your Honor.

4 THE COURT: Mr. Graham, Mr. Allen?

5 MR. GRAHAM: No questions, Your Honor.

6 THE COURT: Redirect?

7 REDIRECT EXAMINATION

8 BY MS. DUKE:

9 Q. Mr. Fue, why did you wait five-and-a-half years to report  
10 this incident?

11 A. Because that's why I'm really -- I was going to just ask  
12 the judge before I get out of here and they made me leave, can  
13 I explain something to the jury, to your lawyer, to Ms. Duke?  
14 I didn't want to tell them then.

15 MR. WYATT: I object to the narrative.

16 THE WITNESS: Huh?

17 THE COURT: Pardon me?

18 MR. WYATT: I object to the narrative. It's not  
19 responsive to the question.

20 THE WITNESS: I mean I didn't --

21 THE COURT: Sustained. Ask a question that he may  
22 answer.

23 THE WITNESS: So I can answer it now?

24 THE COURT: Wait until she asks it.

25 Q. (BY MS. DUKE) I've learned this lesson.

JAMES FUE - REDIRECT (By Ms. Duke)

1363

1       Why did you wait five-and-a-half years to report this?

2   A.   I wouldn't have reported it in 10 years, five years, a

3   year.   They the police.   It's something you got to deal with

4   and live with in our neighborhood, and that's just it.   I don't

5   want to be sitting here talking to y'all about it.   I didn't

6   want to talk to my lawyer about it.   The only reason I even

7   mentioned it to her is just he would know that, yeah, I know

8   Jeff Henderson.   I mean, I know he was there at the scene.   I

9   know him.   I'm not getting nothing out of this.   There ain't no

10   reason for me to be here.   I don't want to be here.   I don't

11   want to be talking to y'all.   I don't want to be a part of

12   this.   Like I say, I asked before I even came in here, "Could I

13   not testify?   What if I came in and I refused to just not" -- I

14   don't want to do this.   I didn't want to do it at the grand

15   jury.   I thought it was over.   When I missed the first subpoena

16   date, I thought I was done, and then I get a federal writ while

17   I'm in prison, and then I get another one a year later.   I

18   don't want to be here.   I'm not -- There's nothing for me to

19   gain here.   There's no reason why I'm here.   If they go to

20   jail, if they don't go to jail, it's no big deal to me.

21               MS. DUKE:   No further questions, Your Honor.

22               THE COURT:   Any reason this witness may not be

23   permanently excused?

24               MR. WYATT:   No, Your Honor.

25               MS. DUKE:   No, Your Honor.

JAN REINCKE - DIRECT (By Ms. Harris)

1364

1 THE COURT: Thank you, Mr. Fue.

2 You may call your next witness.

3 MS. HARRIS: Jan Reincke.

4 THE COURT: Please come forward and take the oath.

5 THE DEPUTY COURT CLERK: Raise your right hand,  
6 please.

7 (WITNESS SWORN)

8 JAN REINCKE,

9 being first duly sworn to testify the truth, the whole truth,  
10 and nothing but the truth, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. HARRIS:

13 Q. Good afternoon.

14 A. Good afternoon.

15 Q. Can you introduce yourself to the jury, please.

16 A. Yes. My name is Jan Reincke. I'm an Assistant United  
17 States Attorney in the U.S. Attorney's Office here in Tulsa.

18 Q. And how do you spell your last name?

19 A. R-E-I-N-C-K-E.

20 Q. How old have you been an AUSA here in Tulsa?

21 A. Seven years today.

22 Q. How long have you worked for the Department of Just- --  
23 Today is your anniversary?

24 A. Today is my anniversary.

25 Q. Well, happy anniversary.

JAN REINCKE - DIRECT (By Ms. Harris)

1365

1 A. Thank you.

2 Q. I'm sure you wanted to spend it here in court.

3 A. I didn't realize it until I was on my way over here,  
4 actually.

5 Q. Okay. How long have you worked for the Department of  
6 Justice?

7 A. 25 years.

8 Q. If you would, just give the grand jury -- not the grand  
9 jury -- the jury a little bit of backgrounds about your work  
10 history for the department, please.

11 A. In 1986 I went to Washington, D.C. with Frank Keating and  
12 he and I worked at the Department of the Treasury. In 1988  
13 President Reagan ordered Mr. Keating over to the Department of  
14 Justice and I went with him. And in August of 1988 I went to  
15 the U.S. Attorney's Office in Alexandria. I was there from  
16 August of 1988 until 1994 when I transferred to the Norfolk  
17 division.

18 Q. Is that Alexandria, Virginia?

19 A. Yes, it is.

20 Q. Okay.

21 A. In the same district. And then in 2002 I moved to the  
22 Newport News division in the same district. And in 2004 I  
23 returned -- or I came to Tulsa to work in the U.S. Attorney's  
24 Office here.

25 Q. What brought you to Tulsa?

JAN REINCKE - DIRECT (By Ms. Harris)

1366

1 A. My mom was ill and the U.S. Attorney's Office in Virginia  
2 detailed me here so that I could be closer to her. She passed  
3 away, and while I was here one of the assistants asked if I  
4 would like to trade jobs, and I wanted to get closer to home  
5 because I was born and raised in southeast Kansas, so I agreed,  
6 and the two U.S. Attorneys worked it out, and about a year  
7 later, August 8th, 2004, I became permanent here at the office.

8 Q. Okay. Now, since you've been here in Tulsa, are there any  
9 specific kinds of cases that you've specialized in working?

10 A. Guns and drugs.

11 Q. Guns and drugs?

12 A. Uh-huh.

13 Q. What agencies do you generally work for?

14 A. Usually it's ATF, and I do a lot of work with TPD officers  
15 from the Special Investigations Division drug unit.

16 Q. Okay. Did you work with Brandon McFadden?

17 A. Yes, I did.

18 Q. Did you work with Jeff Henderson?

19 A. I worked cases that he worked, and I worked with him a  
20 couple of times on cases, but I worked with Brandon more than  
21 anybody.

22 Q. Okay. Did you know an individual named Jose Angel  
23 Gonzalez?

24 A. Yes.

25 Q. How do you know Jose Angel Gonzalez?



JAN REINCKE - DIRECT (By Ms. Harris)

1367

1 A. I prosecuted Mr. Gonzalez for possession of a sawed-off  
2 shotgun and for distribution of methamphetamine and possession  
3 with intent to distribute methamphetamine.

4 Q. Okay. Let's talk about how the charges initially were  
5 brought.

6 Who brought you the case on Mr. Gonzalez?

7 A. The gun case was brought to me by Brandon McFadden.

8 Q. And did you receive the gun case before or after the drug  
9 case?

10 A. Before.

11 Q. Was it a separate charge in terms of -- was it related to  
12 the drug case date wise or was it a completely separate  
13 isolated incident?

14 A. Completely separate.

15 Q. Okay. All right. So the case was brought to you, the gun  
16 case was brought to you by Mr. McFadden?

17 A. Yes.

18 Q. All right. And what information did he provide you about  
19 the gun case?

20 A. He brought me the case file -- or the case report and told  
21 me that he thought I would be interested in it because it was a  
22 gun case. I believe I read the report and he had -- if I'm not  
23 mistaken, I think he told me that Mr. Gonzalez was going to be  
24 an informant but chose not to return any phone calls and was  
25 not living up to his end of the bargain, so they were bringing

JAN REINCKE - DIRECT (By Ms. Harris)

1368

1 the case for prosecution.

2 Q. When you say that Mr. McFadden brought you the report, what  
3 kind of report are you referring to?

4 A. It's the Tulsa Police Department TRACIS report.

5 Q. Okay. And was it a report prepared by Officer -- I mean  
6 Mr. McFadden or was it prepared by a Tulsa Police Department  
7 officer?

8 A. I believe it was prepared by Officer Henderson.

9 Q. Okay. I'm showing you what has been admitted into evidence  
10 as 33-c-2, which is a Tulsa TRACIS report on Jose Angel  
11 Gonzalez. Do you recognize that document?

12 A. It looks like the report that I got from Mr. McFadden.

13 Q. Okay. And what is the date on that document in terms of  
14 when the incident occurred where a sawed-off shotgun was  
15 located at Mr. Gonzalez's house?

16 A. September 26th of 2007.

17 Q. Is that consistent with your recollection about the date  
18 charged in the indictment?

19 A. Yes.

20 Q. Okay.

21 MS. HARRIS: Could you go down to the bottom of the  
22 page?

23 Q. (BY MS. HARRIS) Okay. Can you identify who prepared the  
24 report?

25 A. It says Officer Henderson.

JAN REINCKE - DIRECT (By Ms. Harris)

1369

1 Q. And what other officers are identified as having been  
2 involved in this report and in this incident?

3 A. Steve Castleberry, Sean Hickey, Bill Yelton, Frank Khalil  
4 and Sergeant Van Ellis and Corporal Nelson signed as the  
5 supervisor.

6 Q. Did you understand, based on your discussion with Officer  
7 Henderson -- or Mr. Henderson, that this report was prepared  
8 related to the execution of a search warrant on Mr. Gonzalez's  
9 house?

10 A. Based on the report, and I believe that the search warrant  
11 was attached to that, I do not recall whether I ever talked  
12 with Mr. Henderson about this or not.

13 Q. Okay. Do you recall though having an understanding that a  
14 search warrant was, in fact, executed at Mr. Gonzalez's house  
15 and that resulted in the preparation of this police report?

16 A. Yes.

17 Q. Okay. Were you involved with the preparation of the  
18 affidavit in support of that search warrant?

19 A. No.

20 Q. Was that a federal or state search warrant?

21 A. State.

22 Q. And were you consulted with regard to what information to  
23 put in the affidavit?

24 A. No.

25 Q. Were you given any information about who the reliable

JAN REINCKE - DIRECT (By Ms. Harris)

1370

1 confidential informant was on that search warrant?

2 A. No.

3 Q. To this day, do you know?

4 A. Not for sure.

5 Q. Okay. All right.

6 Now, so is it fair to say that you didn't get involved in  
7 this case until after all that had transpired?

8 A. That's correct.

9 Q. Okay. Were you aware that approximately a week before this  
10 search warrant was executed, I believe on September 17th, that  
11 Mr. Gonzalez had been stopped in a traffic stop by the Tulsa  
12 Police?

13 A. Not at the time.

14 Q. Okay. Was that part of the packet that you received from  
15 Mr. McFadden?

16 A. I don't recall that it was.

17 Q. Okay. All right. Now, you indicted Mr. Gonzalez for  
18 possession of the sawed-off shotgun?

19 A. Yes.

20 Q. All right. Did Mr. Gonzalez have any prior felony  
21 convictions?

22 A. No.

23 Q. So you couldn't charge him with being a felon in  
24 possession?

25 A. That's correct.

JAN REINCKE - DIRECT (By Ms. Harris)

1371

1 Q. Okay. What is illegal about the possession of this  
2 shotgun?

3 A. It needs to be registered in the National Firearms  
4 Register. It's illegal to possess a firearm of certain  
5 dimensions. We refer to them as sawed-off shotguns. I believe  
6 now the charge that we use is possession of unregistered  
7 firearm because they have to be a certain barrel length in  
8 order to be legally owned or legally possessed, and this  
9 firearm was not. So there is a registry with the Bureau of  
10 Alcohol, Tobacco, Firearms & Explosives in Washington that  
11 lists the names of all individuals who have legally obtained  
12 permission to own sawed-off shotguns or rifles or guns of this  
13 sort.

14 Q. If Mr. Gonzalez had registered this gun, would it have been  
15 illegal for him to have possession of it?

16 A. No. Not unless he was otherwise prohibited.

17 Q. Okay. And at the time that you indicted him, he was not  
18 otherwise prohibited?

19 A. That's correct.

20 Q. Okay. What do you have to do to register a gun like this?

21 A. I have absolutely no idea. I'm assuming you can call your  
22 local ATF office or go to a federal firearms licensee. But  
23 other than that...

24 Q. All right. Now, you indicated that after the search  
25 warrant was executed, but before the case was brought to you,

JAN REINCKE - DIRECT (By Ms. Harris)

1372

1 was there some understanding that Mr. McFadden told you about  
2 with regard to Mr. Gonzalez cooperating?

3 A. I believe there was. I know on occasion cases have been  
4 brought to me that are a little older or that might not be as  
5 up to date or as current, and the first question I ask is: Why  
6 has it been so long? And it's usually because the individual  
7 was required to or agreed to cooperate with the local police  
8 department and, for whatever reason, hadn't done so, and I  
9 believe that was the situation in this case.

10 Q. Okay. Now, were you provided information by Mr. McFadden  
11 about whether Mr. Gonzalez had, in fact, cooperated before he  
12 presented the case to you?

13 A. No.

14 Q. Is it your understanding that he presented the case to you  
15 because there had not been cooperation?

16 A. Yes.

17 Q. Okay. And when was the indictment? Do you remember the  
18 date?

19 A. I want to say it was early -- maybe February of 2008.

20 Q. You've got a great memory.

21 A. I do remember that it's 08-CR -- I believe 25 is the  
22 shotgun and 98 is the drug case.

23 Q. Those are the case numbers that you're referring to?

24 A. Yes.

25 Q. Okay. So assuming you indicted him in February of '08, was

JAN REINCKE - DIRECT (By Ms. Harris)

1373

1 that a one-charge indictment?

2 A. Yes.

3 Q. Or a one-count indictment?

4 A. One count.

5 Q. And that was the gun charge?

6 A. Yes.

7 Q. Now, after that gun charge, did Mr. Gonzalez indicate that  
8 he would be interested in cooperating?

9 A. Yes, I believe so. I believe that at the time he was  
10 released on bond so that he could do that, if I've got my time  
11 line correct.

12 Q. And he picked up another charge, didn't he, after --

13 A. Yes.

14 Q. -- after you indicted him?

15 A. Yes.

16 Q. What did he pick up a charge on?

17 A. He sold methamphetamine to an undercover police officer.

18 Q. And was that a Tulsa Police officer?

19 A. Yes; it was officer Randy Mackenzie.

20 Q. Okay. Do you recall when that took place?

21 A. As I recall, that was in March or April.

22 Q. Same year, '08?

23 A. Yes.

24 Q. Okay.

25 A. And then a subsequent possession with intent at the time

JAN REINCKE - DIRECT (By Ms. Harris)

1374

1 that officers executed the arrest warrant, a federal arrest  
2 warrant, at Mr. Gonzalez's house.

3 Q. Okay. So did you indict him or did you do a superseding  
4 indictment?

5 A. No, I indicted --

6 Q. Or did you do a separate indictment?

7 A. A separate indictment.

8 Q. Okay. And that had a separate case number altogether?

9 A. Yes.

10 Q. And what were the charges in the second indictment?

11 A. The second indictment was distribution of methamphetamine,  
12 Count 1; and possession with intent to distribute  
13 methamphetamine, Count 2.

14 Q. Okay. Do you recall when that indictment was issued by the  
15 grand jury?

16 A. I believe that was in April or May.

17 Q. Okay. You indicated a few minutes ago that a federal  
18 arrest warrant was executed on Mr. McFadden. And there was  
19 some marijuana found on him; is that correct? Or there was  
20 some drugs found on him?

21 THE COURT: Mr. McFadden?

22 MS. HARRIS: I'm sorry.

23 A. Mr. Gonzalez?

24 Q. (BY MS. HARRIS) Yes, Mr. Gonzalez.

25 A. When the -- and I don't recall if -- I'm not real sure



JAN REINCKE - DIRECT (By Ms. Harris)

1375

1 about the sequence of events but the officers went to  
2 Mr. Gonzalez's residence, which was different, as I recall,  
3 from the residence where the sawed-off shotgun had been  
4 found, --

5 Q. Okay.

6 A. -- to arrest him on the charges for the shotgun. And when  
7 they did, they received, according to the TRACIS report,  
8 consent to search the house, and found an additional seven or  
9 14 grams of methamphetamine in his house.

10 Q. I would like to pull up exhibit 48, which I believe is the  
11 TRACIS report related to the execution of the arrest warrant.

12 MR. WYATT: What was that number?

13 MS. HARRIS: 48.

14 MR. WYATT: Thank you.

15 Q. (BY MS. HARRIS) Do you see that there in front of you?

16 A. Yes.

17 Q. And what's the date on that?

18 A. April 18th, 2008.

19 Q. And is that consistent with your memory approximately when  
20 Mr. Gonzalez was arrested?

21 A. Yes.

22 Q. Okay.

23 MS. HARRIS: And can we go down to the bottom of the  
24 page?

25 Q. (BY MS. HARRIS) Can you identify for the jury who the

JAN REINCKE - DIRECT (By Ms. Harris)

1376

1 officers were involved in that.

2 A. Frank Khalil signed the report, which indicated to me that  
3 he had prepared the report; Steve Castleberry and Agent Brandon  
4 McFadden were involved in the arrest; and it was signed by A  
5 supervisor, Sergeant Van Ellis.

6 MS. HARRIS: Can we go to the next page of that  
7 report?

8 Q. (BY MS. HARRIS) Do you recall whether you received this  
9 report and had an opportunity to review it after the arrest  
10 took place?

11 A. Yes.

12 Q. Okay. It states, "Mr. Gonzalez began to tell officers that  
13 we set him up, he stated that officers planted the sawed-off  
14 shotgun that he had in his how the first time, he stated that  
15 he did have the shotgun but after he left the car stop he had  
16 gone straight home to remove the gun and he could not find it.  
17 He further stated that we had sent an informant to his house  
18 while he was on the car stop to find his shotgun and hide it in  
19 the vent."

20 Did you remember reading that?

21 A. Yes.

22 Q. What did you think when you read that?

23 A. I believe I asked Agent McFadden about that and he told me  
24 that Mr. Gonzalez had said that but later recanted.

25 Q. Okay. So did you place any real importance on that

JAN REINCKE - DIRECT (By Ms. Harris)

1377

1 paragraph after speaking with Agent McFadden about it?

2 A. No.

3 Q. Okay. After Mr. Gonzalez was arrested on the federal  
4 warrant, was he placed in jail?

5 A. He was momentarily, but then I think he was released on  
6 bond because he indicated THAT he did want to cooperate.

7 Q. Okay. Now, could you give the jury an understanding of --  
8 is this a common occurrence or is this something that happens  
9 in the course of your work as a prosecutor that someone you  
10 indict wants to cooperate and proactively do some work?

11 A. Yes. On occasion, there are individuals who, after  
12 conducting what we call a Rule 11, which is a debrief of  
13 defendants concerning information they might have about the  
14 crime they have been accused of, or crimes that they may know  
15 about or have been involved once in a while others, and if we  
16 believe that they can cooperate and perhaps make controlled  
17 buys or make phone calls, introduce undercover officers to  
18 individuals who are committing crimes, we will agree to release  
19 them on bond and they will work with the agent who is  
20 responsible for the case that resulted in their charges.

21 Q. And do you rely on the agent to supervise the activities of  
22 that defendant?

23 A. Yes, I do.

24 Q. Okay. And what do you expect them to do to supervise those  
25 activities?

JAN REINCKE - DIRECT (By Ms. Harris)

1378

1 A. Well, I expect them -- they have rules and regulations of  
2 their own agency that they have to follow when they're working  
3 with individuals who are cooperating, and I don't get involved  
4 in that because that's something that's set up internally with  
5 their agency. So as long as they have dotted the i's and  
6 crossed the t's there, then that's not something that I would  
7 routinely get involved with.

8 I expect them to keep me posted about what is happening and  
9 what the individuals are cooperating about. And if they need  
10 any federal papers, such as a search warrant or toll records or  
11 any kind of documentation to support what the individual may be  
12 doing, then that's something that I would take care of. But  
13 other than that, I usually let them go their merry way because  
14 I believe that they're supposed to know what they're doing and  
15 I don't supervise their investigations.

16 Q. What was your understanding with regard to why Mr. Gonzalez  
17 wanted to cooperate and work?

18 A. It was my understanding that he knew some individuals who  
19 were moving some pretty large quantities of methamphetamine,  
20 and that he could set up another an undercover officer with an  
21 introduction to these individuals or could provide information  
22 that would allow search warrants to be executed and/or  
23 shipments of methamphetamine coming in from other areas to be  
24 stopped, cars searched, and drugs and/or large amounts of money  
25 seized.

JAN REINCKE - DIRECT (By Ms. Harris)

1379

1 Q. And what would Mr. Gonzalez hope to get in return for the  
2 cooperation that he was to provide?

3 A. He would hope to get a reduction on his sentence, but  
4 that's not prom- -- I don't promise that.

5 Q. Is there any guarantee that he would get a reduction?

6 A. No.

7 Q. There's hope?

8 A. There's always hope. And I tell defendants, and I've been  
9 telling defendants the same thing for 25 years, "I cannot and  
10 will not promise that you're going to get a reduction. You're  
11 the only person who can help yourself."

12 Q. Do you recall meeting with Mr. Gonzalez? Do you remember  
13 whether you did or not?

14 A. No, I don't. I know I saw him in court. I may have met  
15 him with with his attorney, if we did a Rule 11. I try not to  
16 stay around when the agents are doing Rule 11s because I have a  
17 tendency to interrupt their flow. They have a way of  
18 interviewing and I sometimes can interfere with that, so I try  
19 to stay for the first part and then I usually leave after that.

20 Q. Okay. Where did you get information from about what work  
21 Mr. Gonzalez was doing?

22 A. Brandon McFadden.

23 Q. Okay. Did you ever talk to Jeff Henderson about what work  
24 Mr. Gonzalez was doing?

25 A. I don't believe I did.

JAN REINCKE - DIRECT (By Ms. Harris)

1380

1 Q. Okay.

2 A. I didn't talk to Mr. Henderson very much about -- unless we  
3 were getting ready for trial.

4 Q. Now, do you recall what information Brandon McFadden told  
5 you with regard to what Mr. Gonzalez did?

6 A. He was -- I would talk to him periodically because we had  
7 a couple of defendants who were doing the same thing, but I  
8 would talk to Mr. McFadden occasionally and say, "What is he  
9 doing? What kind of information has he provided? Do you need  
10 me to do anything? Is there enough for a federal search  
11 warrant? Do you want toll records?" And --

12 Q. What are toll records?

13 A. Phone records, or pin registers, which are also like toll  
14 records; they provide telephone numbers, calls out and calls  
15 coming in.

16 Q. All of these tools, I guess, are at the disposal of an AUSA  
17 to help an agent with an investigation?

18 A. Yes.

19 Q. Did Officer McFadden ever ask you for help in obtaining a  
20 search warrant?

21 A. No.

22 Q. What about a pin register?

23 A. No.

24 Q. What about toll records?

25 A. No.

JAN REINCKE - DIRECT (By Ms. Harris)

1381

1 Q. Anything else?

2 A. No.

3 Q. Okay. What did he tell you that Mr. Gonzalez did?

4 A. He told me that Mr. Gonzalez had provided him, on occasion,  
5 had provided him information about individuals who were dealing  
6 methamphetamine in the Northern District of Oklahoma, around  
7 Tulsa and north Tulsa, and that there were shipments that were  
8 due in. That Mr. Gonzalez could pinpoint or let law  
9 enforcement know, let Mr. McFadden know, when the shipments  
10 were on their way or had arrived, that then they would be able  
11 to attempt to either stop before they got to where they were  
12 going or be the subject of a possible search warrant once they  
13 had arrived.

14 Q. Now, did Mr. McFadden ever tell you that they were able to  
15 pinpoint any shipments of methamphetamine or other drugs based  
16 on information provided by Mr. Gonzalez?

17 A. No.

18 Q. Okay. Did you keep some handwritten notes in your file  
19 concerning the cooperation information you understood  
20 Mr. Gonzalez provided?

21 A. I made notes of a conversation that Mr. McFadden and I had  
22 about one particular incident that revolved around the search  
23 warrant that was executed by another Tulsa Police officer and a  
24 case that was subsequently prosecuted by one of my colleagues.

25 Q. Can you explain to the jury what information you discussed

JAN REINCKE - DIRECT (By Ms. Harris)

1382

1 with Mr. McFadden.

2 A. We discussed, as I recall, we talked about Mr. Gonzalez had  
3 pointed out a house off of, I believe it was off north Utica,  
4 around Oklahoma or Newton or Latimar or one of those side  
5 streets where he knew that a large quantity of methamphetamine  
6 was either being stored or was being -- was going to be there  
7 at a certain period of time, and he gave the name of the  
8 individual who either lived at the house or who was bringing  
9 the methamphetamine to the house. And I had talked to  
10 Mr. McFadden about when it was supposed to happen, staying on  
11 top of it, and, again, "If you need a search warrant or you  
12 need something from me, let me know."

13 Q. And what happened with regard to the information  
14 Mr. Gonzalez provided?

15 A. It was my understanding from Mr. McFadden that he was going  
16 to attempt to get a state search warrant, but before he could  
17 do that another police officer with Special Investigations  
18 Division drug unit executed a search warrant, found the  
19 methamphetamine, and the individual was then referred to one of  
20 my colleagues for prosecution.

21 Q. So the information -- Did the information Mr. Gonzalez  
22 provided result in any prosecution of that target?

23 A. No.

24 Q. Okay. You said that it was your understanding that  
25 Mr. McFadden was going to get a state search warrant?



JAN REINCKE - DIRECT (By Ms. Harris)

1383

1 A. Yes.

2 Q. Why would he get a state search warrant instead of come to  
3 you for a federal search warrant? Did he explain to you why?

4 A. A state search warrant is done before a judge of record and  
5 that's what we require in the federal system, that it be  
6 obtained by a judge of record. And oftentimes, cases, they  
7 will get state search warrants until they determine that, in  
8 fact, it is going to be a federal case.

9 Q. You started out by saying the state search warrant is  
10 before a judge of record?

11 A. Yes.

12 Q. Okay. Is a federal search warrant the same?

13 A. Yes.

14 Q. Okay. So is there any reason why you would go for a state  
15 search warrant versus a federal search warrant?

16 A. It might be more advantageous, it might be easier because  
17 they have easier access to the judges in state court.

18 Q. Now, so the search warrant didn't work out for the  
19 information provided by Mr. Gonzalez?

20 A. No.

21 Q. Okay. Now, at some point during this time frame, did  
22 Mr. McFadden move?

23 A. I believe he went back to Texas in August --

24 Q. Okay.

25 A. -- or September of '08.

JAN REINCKE - DIRECT (By Ms. Harris)

1384

1 Q. Okay. And did at some point Mr. Gonzalez enter guilty  
2 pleas in his cases?

3 A. Yes.

4 Q. Okay. Do you recall about when that was?

5 A. Maybe around the same time that Mr. McFadden left, because  
6 I believe, if I'm not mistaken, the first sentencing hearing  
7 was in November of '08.

8 Q. Okay.

9 A. So it would have been three months before.

10 Q. Usually takes a few months for a presentence report?

11 A. Yes.

12 Q. Okay. What did Mr. Gonzalez plead guilty to?

13 A. He pleaded guilty to possession of the sawed-off shotgun,  
14 and he pleaded guilty to distribution of methamphetamine in the  
15 second indictment.

16 Q. Okay. And were any counts dismissed as to him?

17 A. Not yet.

18 Q. Okay. After he pled guilty to those two charges, did you  
19 have conversations with Mr. McFadden about Mr. Gonzalez being  
20 sentenced?

21 A. Yes.

22 Q. Did you have discussions with Mr. McFadden about whether  
23 Mr. Gonzalez should get some sort of reduction in his sentence  
24 for his cooperation?

25 A. Yes.

JAN REINCKE - DIRECT (By Ms. Harris)

1385

1 Q. Okay. Did Mr. McFadden give you information that kind of  
2 summarized what cooperation Mr. Gonzalez had provided?

3 A. The only cooperation that Mr. McFadden gave me was the  
4 information about the search warrant on the house that was  
5 conducted by another police officer, and said that that was --  
6 that search warrant was executed on the same house that  
7 Mr. Gonzalez had provided information about.

8 Q. Okay. And was that information provided by Mr. McFadden in  
9 an e-mail that he sent to you?

10 A. Yes.

11 MS. HARRIS: May I approach, Your Honor?

12 THE COURT: You may.

13 Q. (BY MS. HARRIS) I'm going to show you what is an e-mail  
14 from Brandon McFadden to Jan Reincke on October 27, 2008. Can  
15 you identify that, please?

16 A. Yes. I believe I had e-mailed Brandon and said I need to  
17 know what cooperation Mr. Gonzalez has provided because his  
18 attorney was calling me telling me that he had done a number of  
19 things but I didn't have any information about what he was  
20 doing, and the only thing that I knew about that even came  
21 close to being cooperation was the execution of the search  
22 warrant at the house where another officer seized three pounds  
23 or so of methamphetamine.

24 Q. What information did Mr. Gonzalez's attorney provide you  
25 about what Mr. Gonzalez had done for McFadden?

JAN REINCKE - DIRECT (By Ms. Harris)

1386

1 A. She told me -- I believe she sent me an e-mail that said  
2 that he had provided information on two or three cases and it  
3 resulted in arrests of other individuals, but I didn't have any  
4 specifics from her. I told her that I have spoken with  
5 Mr. McFadden and he hadn't provided me any of that.

6 Q. Did Mr. Gonzalez's attorney -- and who is that, by the way?

7 A. Julie O'Connell.

8 Q. Did she tell you that Mr. Gonzalez had made some controlled  
9 drug buys from Mr. McFadden -- for Mr. McFadden?

10 A. I don't recall if she put them in that wording but she said  
11 that -- she may have said he made some purchases or he set up  
12 some purchases, I don't recall what the conversation was or the  
13 specifics, but it wasn't enough, in and of itself, for me to  
14 know what it was about. That's why I contacted Mr. McFadden.

15 Q. Did Mr. McFadden -- and you've got your e-mail there that  
16 he sent you about what cooperation was provided. What did he  
17 tell you?

18 A. "Angel Gonzalez provided police with information in regards  
19 to a Jose Rivas and a Yohn -- Y-O-H-N -- Gomez. Gonzalez  
20 provided the location of two residences in Tulsa where he had  
21 seen large amounts of methamphetamine distributed. Gonzalez  
22 knew the two individuals were receiving their methamphetamine  
23 from an unknown source in Arizona. A Tulsa County search  
24 warrant was executed at the residence of Rivas where three  
25 pounds of methamphetamine were recovered. Rivas confessed to

JAN REINCKE - DIRECT (By Ms. Harris)

1387

1 selling narcotics and that he had sold over 15 pounds for the  
2 organization from Arizona in the last two months. All of the  
3 information provided by Gonzalez was found to be true and  
4 correct by Rivas's own statement."

5 Q. Is that the sum total of the information that Mr. McFadden  
6 told you about the cooperation Mr. Gonzalez provided?

7 A. Yes.

8 Q. Did he ever tell you that Mr. Gonzalez made controlled drug  
9 buys for him?

10 A. No.

11 Q. If he was, or if he did, would that have been important for  
12 you to know in determining whether -- or what percent of  
13 reduction he was entitled to in his sentence?

14 A. Yes.

15 Q. Okay. Now, you indicated that Mr. Gonzalez pled guilty to  
16 a drug count and to the gun count?

17 A. Yes.

18 Q. And can you tell the jury what is the current status of  
19 both of those cases, please?

20 A. The gun count has been dismissed.

21 Q. And why is that, if you know?

22 A. Well, it's a legal reason. It was because of Giglio  
23 material that wasn't provided at the time.

24 Q. Okay. What is -- this jury never has heard that word, I  
25 can promise you. What is Giglio material?

JAN REINCKE - DIRECT (By Ms. Harris)

1388

1 A. Giglio is a case that was decided by the Supreme Court that  
2 required prosecutors to turn over evidence concerning a  
3 witness's credibility. Any evidence that could impeach a  
4 witness is required to be turned over prior to the trial of the  
5 case. At this particular point, although Mr. Gonzalez was not  
6 going to trial, we believed that the impeachment evidence was  
7 of such a nature that we should have provided it, and because  
8 we did not, we moved to vacate the gun charge.

9 Q. Impeachment evidence of whom?

10 A. The officers who would have testified at any trial.

11 Q. And who were those officers?

12 A. It would have been Agent McFadden -- or Mr. McFadden,  
13 Mr. Henderson, Mr. Yelton, and at the time I think just those  
14 three.

15 Q. Okay. Did my office in Arkansas tell your office in  
16 Oklahoma what you should do about that case?

17 A. You know, I don't know that. I think you did but I'm  
18 not -- I'm not sure. I know I got the information to file the  
19 motion to vacate through my people at my office.

20 Q. Did you and I or you and any of the AUSAs here ever talk  
21 about it?

22 A. No.

23 Q. Okay. The word came from whom?

24 A. I believe it came from my U.S. Attorney, if I'm not  
25 mistaken, Scott Woodward.

JAN REINCKE - DIRECT (By Ms. Harris)

1389

1 Q. Did you trust Agent McFadden when he told you that Gonzalez  
2 had not made any controlled buys?

3 A. Yes.

4 Q. And you had had a working relationship with him?

5 A. Yes.

6 Q. Okay. Obviously, if you had thought that there was a  
7 problem with the case, would you have pursued it?

8 A. No.

9 Q. Now, what's the status of Mr. Gonzalez's cases right now?  
10 The gun charge is dismissed. What about the drugs?

11 A. He's waiting on sentencing on the drug count.

12 Q. Has that been scheduled yet; do you know?

13 A. I believe it's been scheduled for -- I want to say  
14 September.

15 Q. Have you made any determination about what level of  
16 cooperation Mr. Gonzalez has provided?

17 A. No.

18 Q. So you do not -- Do you know at this time what  
19 recommendation you intend to make --

20 A. No.

21 Q. -- to the judge with regard to a reduction?

22 A. Well, there's a process that we go through. I prepare a  
23 memo to my criminal chief who --

24 Q. Who is that?

25 A. Joe Wilson.

JAN REINCKE - DIRECT (By Ms. Harris)

1390

1 Q. All right.

2 A. And I have certain things that I have to tell him and  
3 certain information that I have to provide, including the  
4 information that I believe supports the granting of the motion  
5 to file a motion to reduce someone's sentence. He goes through  
6 and reads the memo, and if he agrees he signs off on it and  
7 then sends it to the U.S. Attorney. The U.S. Attorney then  
8 reviews the memo, and if neither of them have any questions,  
9 then the U.S. Attorney will make a decision. If the U.S.  
10 Attorney says, "Yes, you can file the motion," then they send  
11 it back to me and I prepare a motion that is filed normally  
12 under seal with the court two weeks before the sentencing  
13 hearing in which I lay out what the cooperation has been and a  
14 recommendation of what I believe a reduced sentence should be.  
15 Q. Have you prepared that memo to your criminal chief at this  
16 point?

17 A. No.

18 Q. When do you anticipate that you'll be doing that?

19 A. It will be after I receive whatever information there is  
20 about any of his cooperation --

21 Q. Okay.

22 A. -- once it's completed.

23 Q. Okay. And do you know what sentencing guideline range  
24 Mr. Gonzalez is currently facing related to his guilty plea on  
25 the drug charge?



JAN REINCKE - DIRECT (By Ms. Harris)

1391

1 A. No, I really don't.

2 Q. Okay.

3 A. I haven't looked at that presentence report in a long time.

4 Q. Fair enough.

5 Now, do you know Ryan Logsdon?

6 A. Know of him. I've never met him.

7 Q. Never met him? How do you know Ryan Logsdon?

8 A. Ryan Logsdon was a potential defendant in early '07. There  
9 was a large amount of methamphetamine that was seized from him,  
10 and after the seizure he cooperated, called an individual by  
11 the name of Avery Brewer to bring him more methamphetamine, and  
12 when Mr. Brewer arrived he was arrested, a large quantity of  
13 methamphetamine was seized from his person, and he was  
14 prosecuted.

15 Q. Did you prosecute Avery Brewer?

16 A. Yes.

17 Q. Do you remember what the result of that prosecution was?

18 A. He pleaded guilty and is currently serving time.

19 Q. All right. And do you recall that Mr. Logsdon's  
20 cooperation stemmed from the search warrant that was executed  
21 in January of '07?

22 A. Yes.

23 Q. Okay. Who reported to you about Mr. Logsdon's involvement  
24 and cooperation?

25 A. Mr. McFadden.

JAN REINCKE - DIRECT (By Ms. Harris)

1392

1 Q. Okay. Did you ever talk to Mr. Henderson about  
2 Mr. Logsdon?

3 A. I don't recall.

4 Q. Okay.

5 A. I didn't get involved in the confidential informants unless  
6 there was some question that I had to answer in regard to the  
7 prosecution of cases.

8 Q. Okay. So do you have any knowledge about what level of  
9 involvement Mr. Henderson had with Mr. Logsdon after the search  
10 warrant was executed?

11 A. I know that after the investigation was started, I was  
12 asked how many cases Mr. Logsdon had been involved in of the  
13 cases I had prosecuted, and I could not answer that question.  
14 I knew of a couple when his name had been mentioned but I  
15 didn't know the extent of the other cases he might have been  
16 involved in. So I contacted Mr. McFadden and said, at the  
17 request of an FBI agent, "Can you tell me how many of the cases  
18 Ryan Logsdon was involved in?"

19 Q. Did that request include both state and federal cases?

20 A. Well, I don't know that -- I didn't mean to say state  
21 cases, but I was sent an e-mail back from Mr. McFadden that  
22 included state cases.

23 Q. Okay. Now, did you intend to indict Mr. Logsdon?

24 A. Yes, I did.

25 Q. And why is that?

JAN REINCKE - DIRECT (By Ms. Harris)

1393

1 A. Because he was a major methamphetamine dealer, and at some  
2 point he knew that -- or I had told Mr. McFadden he's not going  
3 to walk away scot-free, he's going to have to take a plea. And  
4 Mr. McFadden said, "But he's doing such a good job making  
5 cases, and if he gets indicted or if he has to go to jail or if  
6 he's out on bond, that might be a problem because he knows a  
7 lot of major meth dealers." So I said, "Okay, I'll wait and  
8 we'll see what happens, but you need to let him know that this  
9 is not a free ride."

10 Q. And did you have any other discussions with Mr. McFadden  
11 down the road about, "Hey, where are we on Mr. Logsdon"?

12 A. I did just prior to him leaving and he said that he was  
13 about to finish up all of his discussion -- or all of his  
14 cooperation and at that point he may have had a couple of other  
15 state cases that he was working on.

16 Q. Okay. And did you indicate to him that you still intended  
17 or desired to indict Mr. Logsdon?

18 A. Yes.

19 Q. Okay. And you indicated I think that Mr. McFadden sent you  
20 a list of cases that Mr. Logsdon had assisted on?

21 A. Yes.

22 Q. Okay.

23 MS. HARRIS: May I approach?

24 THE COURT: You may.

25 Q. (BY MS. HARRIS) I'm going to hand you an e-mail from

JAN REINCKE - DIRECT (By Ms. Harris)

1394

1 Brandon McFadden to Jan Reincke, April 1, 2009, and ask you if  
2 you can identify it.

3 A. This was in response to my e-mail after having spoken with  
4 an FBI agent who was investigating Mr. McFadden, I was asked  
5 how many cases Ryan Logsdon was invo- -- my cases that I had  
6 done with Mr. McFadden Mr. Logsdon was involved in. I told him  
7 I did not know, I only knew of a couple.

8 Q. Okay.

9 A. And he asked if I could find out. So I suggested sending  
10 Mr. McFadden an e-mail, which I did, and this is the result of  
11 that e-mail.

12 Q. Okay. And what cases did he identify that Ryan Logsdon  
13 worked in?

14 A. Do you want just my cases or all of them?

15 Q. All of them, please.

16 A. Avery Brewer, Dustin Eastom, Jerry Hill and Stephanie  
17 Crawford, Larry Barnes, Sr. and Larita Barnes, Brian Cole  
18 Williams, Thomas Neal, Isias Gonzalez, Juan Mata, Arias Nelson,  
19 Kyle Isaacs, Rodolfo Amador, Alphie McKinney and Jeremy Battle.

20 Q. Did Mr. McFadden identify Ryan Logsdon as someone who  
21 assisted on a case involving Elton Shaw?

22 A. That's not on my list.

23 Q. What about Dustin Shelley?

24 A. That's not on my list either. These are all federal cases.

25 Q. Okay. Did he ever identify any state cases to you that

JAN REINCKE - DIRECT (By Ms. Harris)

1395

1 Mr. Logsdon had worked on?

2 A. I thought that he had but I may have looked at the cases  
3 that other of my colleagues did and realized those weren't my  
4 cases so...

5 Q. Do you recall whether Mr. McFadden ever told you about a  
6 case involving Dustin Shelley that Ryan Logsdon assisted on?

7 A. No.

8 Q. Do you recall whether Mr. -- did Mr. McFadden tell you  
9 about a case, Corey Wayne Smith, that he claimed Ryan Logsdon  
10 worked on?

11 A. No.

12 Q. Did Mr. McFadden ever indicate to you that Ryan Logsdon was  
13 involved as the RCI on the Jose Angel Gonzalez case?

14 A. No.

15 Q. Would that have been something that you would have liked to  
16 know? That was a federal case, wasn't it?

17 A. Yes.

18 Q. Tell me, if you would, what -- tell the jury: What's  
19 immunity? What is court-ordered immunity?

20 A. When an individual is not going to be prosecuted for crimes  
21 that he or she has provided information about.

22 Q. Is there a difference between getting a court to order  
23 immunity and the prosecutor giving a letter of immunity?

24 A. Are you talking about a Rule 11?

25 Q. No, ma'am. I'm talking about -- are you familiar with the

JAN REINCKE - CROSS (By Mr. Wyatt)

1396

1 procedure where an Assistant U.S. Attorney has to go to the  
2 Department of Justice to obtain an authorization to request  
3 court-ordered immunity?

4 A. I've only done that once in my 25 years and it was when I  
5 was in the Eastern District of Virginia, so...

6 Q. Is that an unusual step to take?

7 A. It was for me, and as far as I recall then, it was in that  
8 office, and I don't know that it's been done since I've been  
9 here, but then I'm not privy to what my colleagues do --  
10 everything my colleagues do.

11 Q. You've done it just once in your career?

12 A. Yes, that I can recall.

13 MS. HARRIS: I don't have anything else at this time.  
14 Thank you, ma'am.

15 THE COURT: Cross-examination?

16 MR. WYATT: Yes, Your Honor. Thank you.

17 May it please the court.

18 THE COURT: Counsel.

19 CROSS-EXAMINATION

20 BY MR. WYATT:

21 Q. As I understand it, you were the prosecutor for Jose Angel  
22 Gonzalez; is that correct?

23 A. Yes, sir.

24 Q. So you're familiar with the traffic ticket that was given  
25 to him at the traffic stop; would that be a fair statement?

JAN REINCKE - CROSS (By Mr. Wyatt)

1397

1 A. I don't recall.

2 Q. Well, let me show you defendants' exhibit 159.

3 MR. WYATT: May I ask if it has been admitted? It  
4 has?

5 Q. (BY MR. WYATT) We'll show it to you on the monitor.

6 MR. WYATT: May I approach, Your Honor?

7 THE COURT: You may.

8 A. If that was part of the TRACIS report that I received, but  
9 I don't recall --

10 MR. ALLEN: Cindy, could you --

11 A. -- if it was or not.

12 MS. HARRIS: Just so the record is clear, I believe  
13 this is part of government's exhibit 33-c-1. It's apparently  
14 been introduced twice.

15 THE COURT: Okay. In any event, it's admitted. So we  
16 need to get the monitors up.

17 Q. (BY MR. WYATT) Ma'am, does it appear to you that these are  
18 two tickets issued to Jose Angel Gonzalez?

19 A. That's what it looks like.

20 Q. And would you read the names of the officers who appear at  
21 the bottom of each ticket.

22 A. The ticket on the left is Nelson and Hickey. And the  
23 ticket on the right is Nelson and Hickey.

24 Q. And I believe also Sergeant Steve Castleberry?

25 A. Yes, Steve Castleberry's name appears in the -- two-thirds

JAN REINCKE - CROSS (By Mr. Wyatt)

1398

1 of the way down on the ticket on the right and -- I don't have  
2 my glasses. Is that --

3 Q. I believe it's the same.

4 A. Is that Castleberry?

5 Q. Yes, ma'am.

6 A. Okay. It looks like some of it has been cut off.

7 Q. And it appears that these are consecutively numbered  
8 tickets?

9 A. Yes, sir.

10 Q. And the date of the ticket appears to be -- September 17,  
11 2007; does that look to be right?

12 A. 9-17-07? Yes, sir.

13 MR. WYATT: Could I have just a moment, Your Honor?

14 THE COURT: Yes, sir.

15 Q. (BY MR. WYATT) It's a fair statement to say that from your  
16 independent recollection you do not know whether these tickets  
17 issued by Mr. Castleberry have anything to do with the  
18 investigation of Jose Angel Gonzalez; would that be fair?

19 A. That's correct.

20 Q. And would it be fair to state that the TRACIS report for  
21 the investigation serving the warrant at his house was nine  
22 days after the traffic ticket?

23 A. If it was dated September 26th and that's the 17th, that  
24 would be correct.

25 Q. Okay. And you indicated that Brandon McFadden sent you the



JAN REINCKE - CROSS (By Mr. Wyatt)

1399

1 document that was marked as defendants' exhibit 185, I believe  
2 it was admitted under that number, the April 1, 2009, e-mail?

3 A. Is that the one I have in front of me?

4 Q. Yes, ma'am, I believe it is.

5 A. Yes.

6 Q. And it had all of those names attached, and you said all of  
7 those were federal cases; is that correct?

8 A. That's correct, yes.

9 Q. And you may or may not have talked with him about state  
10 cases?

11 A. The only thing I -- I don't recall talking with him about  
12 specific state cases but I remember him telling that  
13 Mr. Logsdon -- telling me that Mr. Logsdon had cooperated in a  
14 number of state cases as well as federal cases.

15 Q. And if we go down toward the bottom of that, I've blown it  
16 up on the screen so the jury can see it, he says that, "There  
17 were so many and lots of them were Mexicans"; is that correct?  
18 About half way down, ma'am.

19 A. Half way down on the e-mail?

20 Q. On the e-mail, yes, ma'am.

21 THE COURT: I have an extra pair of cheaters if you  
22 need them.

23 Q. (BY MR. WYATT) It begins with the sentence, "It is hard to  
24 remember how many cases. There were so many and lots of them  
25 were Mexicans."

JAN REINCKE - CROSS (By Mr. Wyatt)

1400

1 MR. WYATT: May I approach, Your Honor?

2 THE COURT: Yes, sir.

3 THE WITNESS: Cheaters? Ah-ha.

4 Q. (BY MR. WYATT) We're looking at different e-mails.

5 A. Oh, no wonder.

6 MR. WYATT: I believe defendants' exhibit 185 has been  
7 previously admitted; is that correct?

8 A. I see what you're saying. Yes, that's correct. "It is  
9 hard to remember" --

10 THE DEPUTY COURT CLERK: Yes, it's admitted.

11 MR. WYATT: 185 is admitted?

12 THE DEPUTY COURT CLERK: Isn't that the one we just  
13 talked about? Admitted. Stipulated.

14 A. I see where you are. Yes, that's correct.

15 Q. (BY MR. WYATT) Okay. Now we're on the same document?

16 A. Right.

17 Q. I'm sorry.

18 A. That's quite all right.

19 Q. And then just below that, it says, "I would say there were  
20 25 to 35 federal cases."

21 A. That's correct.

22 Q. And then he says, "Maybe 50 cases in state court"?

23 A. That's correct.

24 Q. "And to my knowledge he's still working on these cases"?

25 A. "To my knowledge he's still working with those guys."

JAN REINCKE - CROSS (By Mr. Wyatt)

1401

1 Q. And what's the second-to-last sentence read?

2 A. "I know he put himself out there for us and produced like  
3 no other."

4 Q. And that's referring to Ryan Logsdon?

5 A. Yes.

6 Q. He produced like no other?

7 A. That's what he's saying.

8 Q. Were you familiar with a case involving Corey Fields?

9 A. No. I know the name.

10 Q. How do you know that name, ma'am?

11 A. Mr. McFadden told me that Corey Fields was on their radar  
12 for purposes of possible federal charges because he was dealing  
13 large quantities of methamphetamine.

14 Q. And, in fact, you talked with the Office of Inspector  
15 General about Corey Fields, didn't you?

16 A. I don't recall.

17 Q. I apologize. How about Shane Fields?

18 A. Yes.

19 Q. You're familiar with Shane Fields?

20 A. I prosecuted Shane Fields.

21 Q. Do you know his brother to be Corey?

22 A. No, I don't think they're related.

23 Q. Okay. Fair enough. Then I'll move on then. I apologize.

24 Now, you talked about the PSR for Jose Angel Gonzalez.

25 It's already come back; correct?

JAN REINCKE - CROSS (By Mr. Wyatt)

1402

1 A. Yes.

2 Q. And do you know what the sentencing guideline range was?

3 A. I don't recall. I haven't reviewed it in a long time.

4 Q. Generally speaking, sentences in this district are meted  
5 out approximately 30 days after the final presentence  
6 investigation report; is that correct?

7 A. No; actually the judges -- after a plea or finding of  
8 guilty, judges continue cases normally for 90 days.

9 Q. Correct. That's in order to get the PSR?

10 A. Yes.

11 Q. And then once the presentence investigation report is  
12 completed, the parties have 14 days to respond?

13 A. Yes.

14 Q. And then a final PSR comes out within another two or three  
15 weeks?

16 A. I believe it's the week before the sentencing date.

17 Q. Okay. Have you received a final presentence investigation  
18 report or just the first draft?

19 A. I don't recall. I don't know that answer either.

20 Q. Okay. Fair enough.

21 My next question would be then is: When did you receive  
22 the PSR? How many weeks or months or days ago?

23 A. Well, the first one would have been within 35 to 40 days  
24 probably after the pleas. And if there has been a revised  
25 report, it would have been within the same time frame before

JAN REINCKE - CROSS (By Mr. Wyatt)

1403

1 the scheduled sentencing.

2 Q. Okay. Let me ask you this: Has the sentencing been put  
3 off in any way to allow Jose Angel Gonzalez to cooperate in  
4 this case?

5 A. It has been continued a number of times, yes.

6 Q. Okay. So the government is continuing -- the government,  
7 meaning your office, is continuing that so that he can testify  
8 in this case?

9 A. I believe the motions have been filed by his attorney and  
10 we have not objected.

11 Q. Okay. But the purpose is to allow him to testify in this  
12 case; correct?

13 A. That's my understanding, yes.

14 Q. And that is so he will have an opportunity to benefit from  
15 his cooperation in this case?

16 A. Yes.

17 Q. Okay. And that is something and one of the factors that  
18 you will consider in determining whether to recommend a motion  
19 under 5K -- what is it -- 1.1?

20 A. Yes.

21 Q. And that's called a motion for downward departure or  
22 variance?

23 A. Based on substantial assistance, correct.

24 Q. And based on that substantial assistance in an ongoing  
25 investigation, the U.S. Attorney's Office has the opportunity

JAN REINCKE - CROSS (By Mr. Wyatt)

1404

1 to recommend a reduced sentence?

2 A. Yes.

3 Q. And once you have filed that recommendation with the court,  
4 whoever the sentencing judge is in that given case, and I don't  
5 know who it is, but whoever that judge is, they may go all the  
6 way down to probation; correct?

7 A. Unless there is a minimum mandatory and the government  
8 doesn't recommend that there is -- doesn't recommend a sentence  
9 below a minimum mandatory.

10 Q. And in this given case, there's not a minimum mandatory, is  
11 there?

12 A. No.

13 Q. Okay. Now, you indicated a few moments ago that in 2007  
14 you really wanted to prosecute Ryan Logsdon?

15 A. Yes.

16 Q. And are you familiar with all of his drug activity?

17 A. I wasn't then. I don't know that I am now but I know that  
18 Mr. McFadden told me that he was cooperating, and doing a very  
19 good job at it, and wanted to let him do as much as he could  
20 before he was required to come in and plead.

21 Q. Okay. And if he is -- Has there been any effort by the  
22 United States Attorney for the Northern District of Oklahoma  
23 here in Tulsa to prosecute Ryan Logsdon?

24 A. No.

25 Q. Is there any agreement not to do that?

JAN REINCKE - CROSS (By Mr. Wyatt)

1405

1 A. No.

2 Q. Okay. Do you intend to prosecute him?

3 A. No.

4 Q. Why is that?

5 A. That's been turned over to the special prosecutor.

6 Q. Meaning the people at this table?

7 A. Well, I'm not involved with Ryan Logsdon, and I don't know  
8 that I could prosecute him because of Giglio-impaired  
9 witnesses.

10 Q. Okay. But my question is: You said that was turned over  
11 to the special prosecutor?

12 A. Well, not turn- -- we provided information to the special  
13 prosecutor, and as the Gonzalez case was -- the gun case was  
14 dismissed, we're recused from all those cases. So I've not  
15 prosecuted him and at this point don't know that I can.

16 Q. So your office has withdrawn voluntarily is what you mean  
17 by recused?

18 A. Yes.

19 Q. And, as a result of that, they don't have any influence or  
20 aren't participating in any decisions with respect to Ryan  
21 Logsdon?

22 A. Who's "they"?

23 Q. Your office.

24 A. Not at this point, no.

25 Q. Okay. Is there a point where that can become an issue

JAN REINCKE - CROSS (By Mr. Wyatt)

1406

1 again?

2 A. That, I don't know.

3 Q. Okay.

4 A. That's not a decision that I can independently make.

5 Q. Okay. Let me ask you, ma'am, in a drug case that has 20 or  
6 25 pounds of methamphetamine, a person would be looking at  
7 something like a level 38 in their guidelines, wouldn't they?

8 A. I don't -- no, I don't think so. 15 kilograms, I believe,  
9 is the top, and 25 pounds would be a little under 11 kilos. So  
10 I believe 15 kilos and more is a level 38; five to 15 would be  
11 a level 36. So it would be a level 36.

12 Q. Okay. And if a person has distributed in excess of 25  
13 pounds, 10 kilos, 11 kilos, so to speak, and their plea  
14 agreement limits their punishment to a maximum of 500 grams,  
15 there would be a substantial reduction as a result of that  
16 limitation, wouldn't there?

17 A. It's not that simple.

18 Q. The difference between the 15 -- or the 11 kilos and a  
19 maximum of 500 grams would be at least six levels on the  
20 sentencing guidelines; correct?

21 A. Perhaps. But it all depends on a lot of things.

22 Q. Sure. There are additions, subtractions, enhancements --

23 A. Right.

24 Q. -- and reductions?

25 A. And relevant conduct.



JAN REINCKE - CROSS (By Mr. Wyatt)

1407

1 Q. Starting on the base level alone, that would be a big  
2 difference; correct?

3 A. Yes.

4 Q. Okay. And you don't dispute there would be a six-level  
5 difference on the base?

6 A. If you say so, but without looking at the guidelines I  
7 wouldn't say for sure.

8 Q. Fair enough. I understand that. They're complicated,  
9 aren't they?

10 A. Well, they're not something I've committed to memory.

11 Q. Okay. Fair enough, ma'am.

12 To your knowledge, have you seen all of the police reports  
13 for the Jose Angel Gonzalez case?

14 A. Which one?

15 Q. For the gun case.

16 A. To the best of my knowledge, I have, yes.

17 Q. Okay. And can you tell me, was Jose Angel Gonzalez present  
18 when the officers served the search warrant and found the gun?

19 A. No, I don't believe so.

20 Q. So if Brandon McFadden took the witness stand and said,  
21 "You should have seen Jose Angel Gonzalez's face when they  
22 found that shotgun," that couldn't have happened, could it?

23 A. I don't know. I haven't read the report in quite some  
24 time. If it was in the report that he was there, then -- but  
25 that's not something that I would have --

JAN REINCKE - CROSS (By Mr. Wyatt)

1408

1 Q. I don't believe it's in the report.

2 A. I would not have committed that to memory.

3 Q. Okay.

4 MR. WYATT: Your Honor, may I have just a moment,  
5 please, sir?

6 THE COURT: Yes.

7 Q. (BY MR. WYATT) I'm going to refer you back to defendants'  
8 exhibit 185, the e-mail, and the attachment.

9 A. Now, the attachment, is that the list of cases?

10 Q. Yes, ma'am.

11 A. Okay.

12 Q. Do you know whether Ryan Logsdon participated in any of  
13 those things?

14 A. I know that he participated in Avery Brewer. I did not  
15 know that he provided information in Dustin Eastom until I got  
16 this list because it was -- the case was Leland Ashley's cases  
17 and Officers Henderson, McFadden and Khalil, I believe, was  
18 there as backup to Officer Ashley, and I can't recall who was  
19 with him at the time.

20 I did not know about Barnes or Williams, obviously.

21 And there may have been one other one, but I don't recall,  
22 knowing that Ryan Logsdon was involved in all of these cases.

23 Q. Okay. Did you ever get an e-mail from Kevin Adams  
24 regarding the Barnes case and Ryan Logsdon's participation in  
25 that?

JAN REINCKE - CROSS (By Mr. Wyatt)

1409

1 A. I may have. I don't remember.

2 MR. WYATT: May I approach one more time, Your Honor?

3 THE COURT: You may.

4 Q. (BY MR. WYATT) May I see the other e-mail that you  
5 received? I don't believe I have a copy of it.

6 And I'll ask you while I'm here: Are these two separate  
7 e-mails?

8 A. Yes. This one is dated October 27th, 2008, and that was in  
9 reference to an e-mail I sent to Mr. McFadden about  
10 Mr. Gonzalez's cooperation based on a conversation with  
11 Gonzalez's attorney.

12 And this is Mr. McFadden's -- or this is my e-mail to  
13 Mr. McFadden about getting a list of the names of all the cases  
14 in which Ryan Logsdon was involved, as I recall.

15 Q. Okay. So, just so I understand it, the April 1 e-mail that  
16 you sent to Ryan Logsdon at noon --

17 A. To Brandon McFadden.

18 Q. Excuse me. -- to Brandon McFadden, there was a response to  
19 that which is my defendants' exhibit 185 about 8 p.m. that  
20 night?

21 A. Yes.

22 Q. Okay. Thank you. Just one moment, please.

23 This e-mail with respect to Angel Gonzalez with respect to  
24 his cooperation in Jose Rivas and Yohn Gomez, do you have any  
25 indication as to whether that information is true and accurate?

JAN REINCKE - CROSS (By Mr. Allen)

1410

1 A. He provided information but the information was not used in  
2 connection with a search warrant that resulted in the seizure  
3 of methamphetamine.

4 Q. Okay. And with respect to the list of cases that Brandon  
5 McFadden sent to you, if Ryan Logsdon told this jury that he  
6 did not give some of those names that McFadden e-mailed to you,  
7 who would you believe, Ryan or Brandon?

8 MS. HARRIS: Object to the question.

9 THE COURT: Sustained.

10 MR. WYATT: Nothing further, Your Honor.

11 I will return these two documents.

12 THE COURT: Mr. Allen?

13 CROSS-EXAMINATION

14 BY MR. ALLEN:

15 Q. Hello, Ms. Reincke.

16 A. Hi.

17 Q. You mentioned that Bill Yelton would have been Giglio  
18 material on Jose Angel Gonzalez. He wasn't on the tickets that  
19 you saw; right?

20 A. Right.

21 Q. He wasn't on the warrant; right?

22 A. Right.

23 Q. Just because he was present during the execution of the  
24 search warrant, is that why?

25 A. Yes.

JAN REINCKE - CROSS (By Mr. Allen)

1411

1 Q. Would you have had to submit Giglio material on Frank  
2 Khalil?

3 A. If I was going to call him as a witness, yes.

4 Q. What about Sean Hickey?

5 A. If I was going to call him as a witness, yes.

6 Q. Neither of whom are indicted?

7 A. Neither of whom are indicted.

8 Q. Do you ever get information from the AllStar system?

9 A. Not personally. I believe I've received a couple of  
10 reports since it was installed and utilized two years ago, but  
11 it's usually the same information that I've already received in  
12 police reports.

13 Q. And so does the person who is named as one of the sources  
14 of information in AllStar go into your decision about whether  
15 or not to charge someone?

16 A. I don't understand your question.

17 Q. So at some point, as the Assistant United States Attorney,  
18 you make decisions about whether to proceed toward an  
19 indictment; right?

20 A. Right.

21 Q. Do you ever request to know who is listed as a source in  
22 AllStar before you determine whether somebody should be  
23 indicted?

24 A. You mean the source of information?

25 Q. Yes.

JAN REINCKE - CROSS (By Mr. Allen)

1412

1 A. Confidential informant?

2 Q. Right.

3 A. No.

4 Q. You've never asked?

5 A. No.

6 Q. Has anybody ever told you in advance to help you make that  
7 decision?

8 A. No.

9 Q. Okay. Is AllStar information information that you provide  
10 to the defendant in cases when you've charged -- whenever  
11 someone has been indicted?

12 MS. HARRIS: Your Honor, I don't think there's been a  
13 foundation that she ever received it to provide it. I would  
14 request that a foundation --

15 THE COURT: You said you've seen it once. All right.  
16 Overruled.

17 A. Not that I recall, no.

18 Q. (BY MR. ALLEN) You said that you wouldn't be able to  
19 indict or you may not be able to prosecute Ryan Logsdon due to  
20 the Giglio-impaired witnesses. Now, is that only regarding the  
21 charges that you knew of or the potential charges that you knew  
22 of when you were in charge of his case, I should say?

23 A. Well, at the time that his case -- that he was involved in  
24 the Avery Brewer case, which was a result of the search warrant  
25 at his house, I wasn't aware of any charges. But to prosecute

JAN REINCKE - CROSS (By Mr. Allen)

1413

1 him today, Giglio material would be required to be given to the  
2 defense attorneys based upon the witnesses that I would need to  
3 testify in any prosecution of what happened in 2007.

4 Q. So that would only apply to those things that happened in  
5 2007, is what you're saying?

6 A. For the case that I would prosecute, yes.

7 Q. Okay. So if he had done -- if the FBI had done controlled  
8 buys on him that didn't involve Jeff Henderson or Bill Yelton  
9 or Brandon McFadden, then you could indict on those things;  
10 right?

11 MS. HARRIS: I'd object; I think she stated that they  
12 don't have the case any more and she doesn't intend to indict  
13 him.

14 THE COURT: Overruled.

15 A. I can't give a specific answer to that because I haven't  
16 seen a case and I haven't seen the facts and I haven't seen who  
17 all is involved. It's a little more complicated than that.

18 Q. Did I hear you testify earlier that you can recommend a  
19 sentence lower than the statutory mandatory minimum?

20 A. If we file under 3582(c).

21 Q. And so if somebody has a charge that has a five year  
22 mandatory statutory minimum, you may be able to actually get  
23 them a lower sentence?

24 A. Yes; 18 United States Code Section 3582(c) provides that if  
25 the government asks the court to go below the minimum

JAN REINCKE - CROSS (By Mr. Allen)

1414

1 mandatory, that a court can do so in such a case.

2 Q. What would influence you to file such a motion?

3 A. It would depend on a defendant's criminal history; it would  
4 depend on the charges for which he or she was indicted and/or  
5 pleaded guilty; it would depend on the circumstances  
6 surrounding those charges, whether or not there were any  
7 victims, whether it was a large amount of controlled substances  
8 if, in fact, it was; whether there was a large amount of guns  
9 involved; the type of cooperation that had been provided.

10 There's just a whole lot of factors that go into a  
11 recommendation. It's not the same for everybody. It depends.

12 Q. Does the level of cooperation have a high priority on those  
13 factors?

14 A. Yes.

15 Q. So the more a person helps to prosecute a defendant, the  
16 more likely they are to get one of those motions?

17 A. It depends on the cooperation, and it depends on the type  
18 of cooperation. Somebody who puts themselves in a position and  
19 goes out and makes controlled buys, somebody who makes phone  
20 calls, somebody who introduces an undercover officer to a drug  
21 supplier versus giving information that leads to the execution  
22 of a search warrant, or makes a phone call without putting  
23 themselves in harm's way perhaps, or making a face-to-face, all  
24 of those things go into it. It's just not something you can  
25 quantify by saying, yeah, this person is going to get more



JAN REINCKE - CROSS (By Mr. Allen)

1415

1 because, or this person will let less because. We do it on a  
2 case-by-case basis.

3 Q. Would testifying at trial be on the more put-yourself-out-  
4 there side of things?

5 A. Yes; testifying at trial, testifying in grand jury.

6 Q. Would it be true that one person who may not even be  
7 indicted can help out a person who is indicted or who has been  
8 sentenced?

9 A. That's possible. For me, it has to be the individual who  
10 is not indicted. The person who is indicted has to be able to  
11 do the same thing the person not indicted is doing but for the  
12 fact the indicted person is incarcerated or indicted. It's  
13 not -- you can't -- a defendant can't call somebody up and say,  
14 "Hey, can you get some good points on my sheet and go help the  
15 police?" It's got to be more than that.

16 Q. Like testifying at trial?

17 A. Well, yeah, but it has to be doing what the defendant who's  
18 looking for the cooperation could do but for the fact he's a  
19 defendant and perhaps incarcerated or not allowed to do  
20 whatever it is the cooperation is.

21 Q. Now, isn't it true that before the OIG or FBI or anyone  
22 came to talk to you about Jose Angel Gonzalez, that Julie  
23 O'Connell had actually approached you about his same  
24 allegations?

25 A. What allegations?

JAN REINCKE - REDIRECT (By Ms. Harris)

1416

1 Q. About Jose Angel Gonzalez's allegations that Brandon  
2 McFadden was not on the up and up when it came to drug deals?

3 A. No; the first time I heard about any allegation that  
4 Mr. McFadden was not an honest cop was from my U.S. attorney  
5 and from my first assistant.

6 Q. Had you not heard about it from Julie O'Connell?

7 A. No.

8 Q. Never mind. I was mistaken.

9 MR. ALLEN: I have no other questions.

10 THE COURT: Redirect?

11 MS. HARRIS: Thank you, Your Honor.

12 May I approach?

13 THE COURT: You may.

14 REDIRECT EXAMINATION

15 BY MS. HARRIS:

16 Q. I just have a few questions about these e-mails.

17 A. Uh-huh.

18 Q. Specifically, --

19 A. He kept the list.

20 MS. HARRIS: Mr. Wyatt, you took the e-mail and the  
21 list.

22 MR. WYATT: Kept my copy. Defendant's 185.

23 MS. HARRIS: 185.

24 Q. (BY MS. HARRIS) This is the e-mail from Brandon McFadden  
25 to you on April 1, '09?

JAN REINCKE - REDIRECT (By Ms. Harris)

1417

1 A. Right.

2 Q. And that was the one in response to your request for  
3 information about Ryan Logsdon's cooperation?

4 A. That's correct.

5 Q. Okay. And I think you were asked about some of the  
6 information. Okay. Can you just read the whole document,  
7 because I don't think all of it has actually been read into the  
8 report.

9 A. Sure.

10 "Hey there. Yes, we all think Ryan has worked off his  
11 charges and the case needs to be closed."

12 Q. What did you understand that to mean?

13 A. That there shouldn't be a prosecution of Mr. Logsdon.

14 Q. And when he says, "Yes, we all think Ryan has worked off  
15 his charges," who is "we"? Who are "we"?

16 MR. WYATT: I would object unless she can lay a  
17 foundation.

18 Q. (BY MS. HARRIS) Do you know who that is referring to?

19 THE COURT: Lay the foundation.

20 MS. HARRIS: I'm sorry, Judge.

21 THE COURT: That's all right. Go ahead.

22 A. Yes; I believed he was talking about Jeff Henderson and --  
23 well, Jeff Henderson.

24 Q. Okay.

25 MR. WYATT: Your Honor, I again object. That calls

JAN REINCKE - REDIRECT (By Ms. Harris)

1418

1 for speculation. There's been no foundation laid as to why she  
2 believes that.

3 Q. (BY MS. HARRIS) Why did you think he was referring to  
4 himself and Jeff Henderson?

5 A. Because he worked the majority of his cases with Jeff  
6 Henderson and brought them, at least the cases that I  
7 prosecuted. The majority of the cases that he worked with Jeff  
8 Henderson, he brought to me.

9 Q. Okay. And then what's the next line?

10 A. "Avery Brewer and the Barnes clan are the cases where he  
11 was the most involved in. I think he testified at Brewer's  
12 sentencing and I know he testified and was the government's  
13 star witness at the Barnes trial. It is hard to remember how  
14 many cases. There were so many and lots of them were  
15 Mexicans. I would say that there were over 25 to 35 federal  
16 cases that was the RCI. I would say approximately 50 cases in  
17 state court."

18 Q. And the list that he gave you, were those just the federal  
19 cases?

20 A. Yes.

21 Q. Okay. It didn't include the 50 cases in state court?

22 A. No.

23 Q. And after the sentence he says, "I would say approximately  
24 50 cases in state court," what does he say?

25 A. "To my knowledge he is still working with those guys."

JAN REINCKE - REDIRECT (By Ms. Harris)

1419

1 Q. Who are "those guys"?

2 A. I assumed he meant --

3 MR. WYATT: I object to her assumption.

4 THE COURT: Sustained.

5 Q. (BY MS. HARRIS) What did you understand "those guys" to  
6 mean when he referred to "those guys"?

7 A. Jeff Henderson --

8 MR. WYATT: Your Honor, I would object to her  
9 understanding without a foundation. It's speculation.

10 THE COURT: As to her, I'll overrule it.

11 A. Jeff Henderson and J.J. Gray.

12 "I know he put himself out there for us and produced like  
13 no other. Have a great evening."

14 Q. (BY MS. HARRIS) And on the list of cases that he provided  
15 to you that you reviewed earlier, --

16 A. Uh-huh.

17 Q. -- is the name Juan Mata on that list?

18 A. Yes.

19 Q. Nelson Arias?

20 A. It's Arias, Nelson, but yes, it's transposed.

21 Q. Alphie McKinney?

22 A. Yes.

23 Q. Were you aware that Mr. Henderson documented Rochelle  
24 Martin as the RCI on those cases?

25 A. No.

## JAN REINCKE - REDIRECT (By Ms. Harris)

1420

1 MR. WYATT: Your Honor, I object to that. She's  
2 testifying.

3 THE COURT: Overruled.

4 Q. (BY MS. HARRIS) Ms. Reincke, you were asked some questions  
5 about cooperation and the number of factors you had to  
6 consider. Who makes -- If you decide you're going to ask for  
7 a reduction in somebody's sentence, and you file a motion  
8 asking for that, who makes the decision whether the defendant  
9 gets a reduction?

10 A. The sentencing judge.

11 Q. Okay. Can the sentencing judge ignore your memo?

12 A. Yes.

13 Q. Can the sentencing judge give more of a reduction than you  
14 request?

15 A. Yes, unless I've not requested that he go below the minimum  
16 mandatory.

17 Q. Can the sentencing judge give a higher sentence than you  
18 request?

19 A. Yes.

20 Q. Can the sentencing judge give a sentence all the way up to  
21 the maximum statutory imprisonment time?

22 A. Yes.

23 Q. Regardless of whether you file a motion to reduce the  
24 sentence?

25 A. That's correct.

JAN REINCKE - REDIRECT (By Ms. Harris)

1421

1 Q. Okay. Now, in your experience and practice, if you find  
2 that a defendant who cooperates is not truthful, do you request  
3 that the court give them a reduction in their sentence?

4 A. No.

5 MS. HARRIS: Thank you.

6 THE COURT: Thank you. Any reason this witness may  
7 not be excused?

8 MR. ALLEN: No, Your Honor.

9 THE COURT: You may step down, Ms. Reincke.

10 Ladies and gentlemen, we'll take our evening recess at this  
11 point. I'll again remind you not to discuss the case with  
12 anyone, don't do any research, don't listen to or read any  
13 media coverage, and don't reach any conclusions until you've  
14 heard all the evidence.

15 Court will be in recess.

16 (THE EVENING RECESS WAS TAKEN)

17 (PLEASE REFER TO VOLUME VII)

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**REPORTERS' CERTIFICATION**

WE CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT  
TRANSCRIPT OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

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